

AN ANALYSIS OF THE ROLE OF TRADITIONAL LEADERSHIP IN PARTNERSHIP
POLICING

by

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DECLARATION

I, Dumisani Quiet Mabunda, hereby declare that “An analysis of the role of traditional leadership in partnership in policing”, submitted in accordance with the requirements for the degree Doctor of Literature and Philosophy in Police Science, is my own work and has not previously been submitted to another institution of higher education. All sources used in this thesis have been appropriately cited or quoted, and are indicated and acknowledged in the comprehensive list of references. I understand and adhere to the Ethical Code as presented by the Human Sciences Research Council and the UNISA Code of Ethics.

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- The representative of the Department of Community Safety and Liaison in Limpopo;
- The Chairpersons of the Community Police Forum (CPF) in Giyani and Malamulele;
- Ms Nancy Morkel, language editor, for editing the thesis.

ABSTRACT

The main objective of this research is to analyse the role that traditional leadership plays in partnership policing in Limpopo, particularly in the Giyani and Malamulele areas, South Africa. Given the challenges associated with traditional initiation schools, the study investigated factors that hinder the effective participation of traditional leadership in partnership policing; explored the extent of partnership policing in rural areas in Limpopo that are led by traditional leaders; and examined best practices with regard to the roles of traditional leadership in partnership policing. Potential areas of non-compliance with and ignorance of the law, and the Constitution, were identified.

The role of traditional leadership in other African countries, such as Ghana, Tanzania, Zimbabwe, Namibia and Botswana, was also analysed. A comprehensive literature study on traditional leadership and international best practices on partnership policing was conducted. Traditional leaders play a vital role in the development process. Furthermore, traditional leaders play a significant role in resource mobilisation and political stability. The primary question guiding this study is: What is the role of traditional leadership in partnership policing in the rural areas of Limpopo?

During the research process, in-depth interviews, non-participative observation and focus group interviews were conducted with the relevant role players. These role players included Chiefs, Indunas and Headmen, SAPS representatives, representatives from the Department of Community Safety and Liaison, as well as representatives from the Department of Cooperative Government and Traditional Affairs in Limpopo.

The study fulfilled the following objectives:

- Identified factors that hinder the effective participation of traditional leadership in partnership policing;
- Explored the extent of partnership policing in rural areas, in Limpopo, led by traditional leaders; and
- Examined international best practices with regard to the role of traditional leadership in partnership policing.

Based on the findings of this study, a Multi-Stakeholder Partnership Policing Strategy (MSPPS) was developed. This strategy could serve as a recommendation to advise the SAPS of a more substantial role that traditional leadership could fulfil in partnership policing in the rural areas of Limpopo; this would also contribute towards further identifying best practices with a view to benchmark such a strategy in rural areas throughout South Africa. This study makes a significant contribution to the improvement of working relations between the police and traditional leadership in Limpopo. Secondly, the study promotes nation-building, harmony and peace between traditional leadership, the SAPS and other relevant stakeholders in the quest to prevent crimes associated with traditional cultural practices.

Key terms: Traditional leadership; partnership policing; community police forum; crime prevention; community; participation; Community Sector Forum; initiation school; crimes associated with traditional cultural practices

LIST OF ABBREVIATIONS

| | | |
|------------|---|--|
| CAPS | : | Chicago Alternative Policing Strategy |
| COGTA | : | Cooperative Governance and Traditional Affairs |
| COGHSTA | : | Co-operative Governance, Human Settlements and Traditional Affairs |
| CONTRALESA | : | Congress of Traditional Leaders of South Africa |
| COPS | : | Community Oriented Policing Services |
| CPF | : | Community Police Forum |
| CSF | : | Community Safety Forum |
| ICD | : | Independent Complaints Directorate |
| IPID | : | Independent Police Investigative Directorate |
| ISS | : | Institute for Security Studies |
| NCPS | : | National Crime Prevention Strategy |
| NCTL | : | National Council of Traditional Leaders |
| NGO | : | Non-governmental Organisation |
| NHTL | : | National House of Traditional Leaders |
| POPCRU | : | Police and Prisons Civil Rights Union |
| SAPS | : | South African Police Service |
| SAPU | : | South African Police Union |
| SSSBC | : | Safety and Security Sectoral Bargaining Council |
| STATS SA | : | Statistics South Africa |
| TLGFA | : | Traditional Leadership and Governance Framework Act |
| WCSP | : | Wandsworth Community Safety Partners |
| WPTLG | : | White Paper on Traditional Leadership and Governance |

DEDICATION

This work is dedicated to my dear wife, Lindiwe Precious, and loving children, Nomfundo, Sibusiso, Nkateko and Musa, without whose support I would not have been able to complete this work. Thank you for your understanding and support.

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CHAPTER 1: GENERAL ORIENTATION

1.1 INTRODUCTION

This chapter presents a general overview of the study. The institution of traditional leadership has played, and continues to play, a significant role in the development of rural communities in South Africa (Holomisa, 2004). However, this institution went through various stages of transformation since the advent of democracy in 1994. Some traditional leaders embraced the transformation process, while others resisted, complaining that their power and authority has been eroded (Khunou, 2009). Government recognises that transformation cannot be complete without the institution of traditional leadership as a part of the government agenda. It is a fact that any kind of transformation has its own challenges, and it can be argued that any government trying to unilaterally transform institutions is doomed to fail. One of the challenges that government faces is to try to persuade traditional leadership to remain relevant and align their processes and systems in accordance with the Constitution of the Republic of South Africa. Traditional leaders are seen to be the custodians of culture and traditional practices, such as traditional initiation schools (Ntsebeza, 2006). However, these customs are often associated with injuries to, and deaths of, initiates. Government is responsible for ensuring that these noble traditional practices are practiced in a safe and secure environment. Historically, the practice of traditional initiation was conducted in a secretive manner, and this has to change so that assistance can be provided, if required, in order to save lives (Gwata, 2009).

The purpose of this study is to examine the role and participation of traditional leadership in policing. In addition, the researcher's aim to explore the challenges with regard to traditional customs such as Initiation schools and *Ukuthwala*¹. Initiation, or male circumcision, has been practiced in Africa for a long time; however, it appears that these noble customs have been hijacked by illegal operators for economic reasons. Lately, these customs have been associated with the botched circumcisions

¹ A pre-arranged marriage of young girls practiced largely in the Eastern Cape, South Africa.

of boys who eventually lose their manhood or even die, due to complications. These incidents have been widely reported in the media, and have sparked outrage within communities. Tenge (2006:8) postulates that initiation schools have been left in the hands of the wrong people and are exposed to abuse by profiteers with little consideration for human life, health standards and/or culture. The study analyses the roles and functions of traditional leadership and other stakeholders in partnership policing. According to Maroga (2004:1), stakeholders should be mobilised in order to effectively implement partnership policing. In this study, the researcher interviewed traditional leaders, the South African Police Service, Community Police Forums (CPFs) and other interest groups.

This chapter presents the research problem, after which the aims and objectives of this study are delineated, and the research problem is defined. An explanation of the scope and demarcation of the field of study, including geographical limitation, follow. Theoretical definitions central to this study then follow, for explanation. The problems encountered during the study are also identified in this chapter, and the ways in which they were overcome are explained.

This chapter, furthermore, outlines the research approach and design, the sampling of the population, methods of data collection, data analysis procedures and the measuring instrument. Ethical considerations are discussed, and methods to ensure validity and reliability are also incorporated into this chapter. Finally, an overview of the chapters in the thesis is provided.

1.2 PROBLEM STATEMENT

There are always media reports about crime associated with initiation schools in various parts of the country. These crimes include botched circumcision, sexual assault, assault and abduction of young girls, and the practice of arranged marriage (also known as *Ukuthwala*). *Ukuthwala* is commonly practiced in the southern part of KwaZulu-Natal and the north-eastern areas of the Eastern Cape (Van der Watt, 2011; Maphumulo, 2015:8). The police are often not permitted to perform their duty of investigating crime in rural areas due to the fact that there are cultural/traditional protocols that need to be followed. For example, before the police can enter an initiation school, traditional leaders have to ensure that these police officers have been circumcised traditionally; if not, they will not be allowed access to the site. Young males

have lost their lives in many initiation schools in South Africa as a result of botched circumcisions; the highest number recorded recently was in Kwa-Mhlanga (Mpumalanga) according to Maphumulo (2015, in The Times, 24 May 2013, p. 1).

These cultural protocols hinder the police in executing their duties. These days, it is easy for fly-by-night traditional surgeons to find an open space in the bush and start their own initiation school (Maphumulp, 2015 – The Times (24 May 2013, p. 1). Assault, abduction, murder and extortion are some of the crimes reported. The Constitution of the Republic of South Africa provides the right to life and dignity, among others, to all citizens of the country. This researcher investigates crimes directly associated with initiation practices and includes crimes such as the abduction and rape of girls who attend initiation schools. The study further explores the causes of the rise in crime associated with practicing customs that are led by traditional leaders in rural areas, particularly during the initiation school season, and the role that traditional leadership plays in partnership policing to prevent these crimes. The new democratic dispensation brought about change in the institution of traditional leadership, which included its transformation towards alignment with democratic principles and the Constitution of the Republic of South Africa of 1996. At the centre of this process was a need to transform some aspects of governance in the institution of traditional leadership. This transformation process created a number of challenges, one of which was resistance from the institution of traditional leadership itself. The reality is that over 14 million South Africans reside in rural areas and are still subject to the command of traditional leadership (Tshehla, 2005:2). These communities are often neglected and need to be assisted to benefit from the fruits of democracy. These benefits include the right to administrative justice and the right to life.

These rural inhabitants are loyal to the institution, and they believe that traditional leadership is vital to ensuring the development of their areas. This belief dates back to the pre-1994 era, when traditional leadership was at the centre of the development of rural communities (Ntsebeza, 2003:30). The study explores the role that the institution of traditional leadership plays in partnership policing, in light of the abovementioned developments. Further, the new democratic government made endeavours to incorporate the institution of traditional leadership into the local governance system. Governance structures such as ward committees and traditional councils were created

to ensure community participation. However, it is still unclear whether traditional leadership utilises these structures effectively in order to ensure that the development of their communities, such as the establishment of crime prevention initiatives, is realised. The Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003) outlines the roles and functions of traditional leadership. Yet, the extent to which traditional leadership has fulfilled the legislative requirements outlined in that Act is not yet clear.

De Vos, Strydom, Fouche and Delport (2011:108) argue that a clear way of formulating a research problem is to ask related questions. In this study, the question to ask is: What role can traditional leadership play in the implementation of partnership policing in Limpopo? While there have been many problems, particularly in rural areas where these practices are prevalent, no research on this is reported in the literature, except in media reports.

Based on the identified problem statement, the study explores a workable approach that could be adopted in relation to policing these incidents by means of partnership policing. Furthermore, this study was conducted to ascertain how to establish a balance between customs and policing. It is important to consider whether the current roles of traditional leadership can assist the police in crime prevention. It appears that partnership policing remains a theoretical principle in some rural areas in SA, despite the fact that it has been in existence for a long time. According to Maroga (2004:1), partnership policing in South Africa has been in existence for more than 22 years; however, the implementation thereof, particularly in rural areas characterised by traditional customs, such as Limpopo, remains a challenge. One way of ensuring compliance with the law is to ensure that there is proper regulation of traditional customs, that is, to regulate who is managing them and how they are being managed. This study focuses on the roles of traditional leadership in partnership policing. The significance of the study is presented in the following section.

1.3 SIGNIFICANCE OF THE STUDY

It was important to investigate the role of traditional leadership in the area since traditional leadership is known to have been and continues to be at the forefront of development within rural communities. It would be unthinkable to investigate crime in

those areas without the buy-in of gatekeepers such as traditional leaders. Historically, traditional leaders have been regarded as the custodians of customs and tradition and, in some instances, they were even regarded as spiritual leaders (Rugege, 2003:13). Rugege argues that traditional leaders used to resolve disputes and inspire unity within the community; he further posits that, in certain instances, they continue to play a significant role in this regard. The study seeks to investigate the role of traditional leadership in partnership policing in areas led by traditional leaders in Limpopo. The study is significant in that the researcher wants to identify the problems of, or hindrances to, partnership policing in order to assist in developing programmes that will create a harmonious relationship between law enforcement agencies and traditional leadership. Furthermore, the researcher aims to develop a multi-agency partnership mechanism, or structures, that will be utilised in policing in areas controlled by traditional leadership. The possibility of expanding community participation and other relevant structures, such as non-governmental structures, CSFs and CPFs, that are currently in place is one of the focus areas of this study. The researcher also seeks to discover what role the different organisations should play and what resources they possess to enhance the implementation of partnership policing. In addition, the researcher would like to propose the regulation of initiation schools with the intention of reducing or eliminating injuries, deaths and the problem of illegal initiation schools. The results of study may benefit traditional leadership and the South African Police Service (SAPS), and inform or guide policy makers.

It is important to develop a partnership policing model for policing traditionally-led areas, and for ensuring community safety in those areas, which were previously marginalised. As indicated earlier, crime has increased in areas led by traditional leadership over the past few years, and very little appears to have been done to address these acts of criminality, and the culture of impunity. Traditional leadership need is to be capacitated so that they can play a meaningful role in crime prevention.

There are policies and legislative frameworks (for example, The Traditional Leadership and Governance Framework, 2003) which govern traditional leadership. However, there is no explanation as to why there is often no compliance with the laws of this country, as provided in the Constitution. Criminal elements must be identified and face the full might of the law. While traditions and customs are part of the history of South

Africa, those who still practice it need to ensure that they act within the boundaries of the law. It is important to protect and preserve traditions and customs, however, these must be aligned with the law; if they are not, then questions surrounding their relevance in the democratic dispensation will be justifiable. In this study, the role of traditional leadership in partnership policing is investigated. The research aims and objectives governing this study are presented in the following section.

1.4 RESEARCH AIMS AND OBJECTIVES

The study deals with crime and the role that traditional leadership can play in partnership policing in the Malamulele and Giyani areas of Limpopo. The general aim of the study is to analyse the concepts related to traditional leadership and to determine how traditional leaders could assist the South African Police Service (SAPS) in addressing crime in the abovementioned areas. De Vos, Strydom, Fouche and Delport (2002:118) state that the researcher must explicitly delimit the focus of the study, and discuss the research goals and objectives. This section outlines the general aims of the study and provides reasons for the study of this particular phenomenon. According to Mouton (2001:48), in research, a clear and unambiguous statement of the research objectives should be clearly indicated.

1.4.1 Research aims

The aim of this study is to investigate the role of traditional leaders in partnership policing in Limpopo. A thorough analysis results in an understanding of the significant role that traditional leadership can play in partnership policing and crime prevention in general. To achieve the objectives of the study, it was necessary to indicate how traditional leadership's involvement or participation would achieve the goal of the study. The aim of this study was to investigate the causes of possible erosion of traditional institutions in South Africa. Based on the identified problem statement this study aimed to explore whether a workable approach could be adopted in policing crime incidents through partnership policing. Furthermore, this study was conducted to ascertain how a balance between customs and policing could be reached. The study took, as its starting point, the debates on policing and the role of traditional leadership in partnership policing, not only in South Africa, but in other African countries, since this is not a problem unique to South Africa. It is important to consider whether the roles of traditional leadership are relevant in the current democratic dispensation, or

not. The researcher aimed to develop a framework or tool for partnership policing in Limpopo.

1.4.2 Research Objectives

The purpose of the study was to explore the role of traditional leadership in partnership policing in the rural areas of Limpopo. This study focused primarily on the crimes associated with traditional customs, such as the high incidences of deaths amongst initiates during the traditional initiation school seasons, and the abduction, assault and rape of girl initiates. The objectives of this research are:

- To investigate factors that hinder the effective participation of traditional leadership in partnership policing.
- To explore the extent of partnership policing in rural areas in Limpopo that are led by traditional leaders.
- To develop guidelines on how the involvement of traditional leadership in partnership policing can be improved.
- To examine international best practices with regard to roles of traditional leadership in partnership policing.

In the following section, the research questions guiding the study are presented.

1.5 RESEARCH QUESTIONS

In light of the above objectives, the primary research question is:

- What is the role of traditional leadership in partnership policing in the rural areas of Limpopo?

The secondary research questions are:

- Has the South African government managed to efficiently integrate the institution of traditional leadership in partnership policing in the rural areas of Limpopo?
- How can traditional leadership play a more significant role in partnership policing in the rural areas of Limpopo?
- What are the factors that hinder effective partnership policing in the rural areas of Limpopo that are led by traditional leadership?

- How can a more meaningful and dynamic relationship be engendered between traditional leadership and the relevant role players in partnership policing in Limpopo?

According to Mouton (2001:153), the major role of a research question is to identify and address established problems in the real world. Mouton (2001:53) further indicates that the major role of research question is to address the identified gaps and is the empirical drive of actions to solve the established problem in the real world. The researcher analyses these questions in order to find answers to crime-related problems in the areas of focus in the study.

1.6 DEMARCATION OF THE FIELD OF STUDY

The research focused on the Giyani and Malamulele areas in Limpopo. Interviews were conducted with SAPS representatives, CPFs, traditional leadership, representative from the Department of Community Safety and Liaison, and representatives from the Department of Traditional Affairs. These interviews were conducted over a period of six months. Purposive sampling was adopted until saturation was reached.

The reason for this delimitation is due to the immense size of the region and to ensure more accurate end-results. The scope of this research was to interact with the SAPS and traditional leadership, as well as other important role players, so that they could clarify their views on the prevention of crime and their diverse duties concerning safety and security. This would provide an opportunity to identify inhibiting factors that hinder partnership policing. Furthermore, it was aimed to improve further cooperation between the SAPS and traditional leadership.

1.7 DELIMITATION OR SCOPE OF THE STUDY

Potential participants were evasive, while others indicated that they would like to participate, but they were afraid of victimisation after the research was completed. Some of the participants who were visited during observation, in June 2016, were reluctant to answer certain questions, citing fear of victimization and of being labelled 'sell-outs'. At times, interviews were delayed as the participants were unavailable and cancelled appointments at short notice, and therefore these interviews had to be re-scheduled. It was often difficult to secure appointments from key role players, for various reasons. This research was limited to three tribes, namely, the Tsonga, Venda

and Pedi tribes. The study was conducted at Giyani and Malamulele, which fall under the Lowveld Region, Mopani and Capricorn Districts in the Limpopo Province. These areas were chosen because this is where most initiation schools take place, and where policing challenges are prevalent; consequently, there has always been a potential for clash between custom and policing obligations in this region. De Vos, Strydom, Fouche and Delport (2011:119) suggest that the researcher should select research sites that are not only suitable but also feasible. McMillan and Schumacher (2001:15) advise that the researcher seeks permission to access the selected research sites and/or samples. The areas have an average population of two million. The majority of the study participants are from the black-Tsonga-speaking population. This study specifically focused on crimes that take place as a direct result of initiation customs; examples of these crimes are murder, abduction, rape, assault, and extortion.

The rationale for including these areas in the study was:

- Giyani and Malamulele areas had a number of initiation schools and have been experiencing some crime-related challenges that are associated with initiation schools.
- Both the police and the traditional leadership hold different beliefs regarding the involvement of Health professionals in what has historically been regarded as a male-dominated custom and tradition.

For this study, permission to conduct research was granted by the relevant structures (See Annexures B and C). This kind of research has not previously been conducted in the area. For sampling purposes, two police stations were selected for the study, that is, Giyani and Malamulele police stations.

Participants did not show any interest in the research as they said there has been a lot of interviews before which did not bring any change to the situation. The researcher had to motivate and encourage the participants to approach the study with positive attitudes. In the following section, the key theoretical concepts used in the study are defined for the purpose of clarity.

1.8 KEY THEORETICAL CONCEPTS

According to Bless and Higginson-Smith (2000:35), the main functions of concepts are, firstly, to facilitate communication among human beings. Secondly, concepts are to aid

in the classification of the elements of reality and their generalisation. However, for these concepts to be useful, they must be defined in a clear, precise, non-ambiguous and agreed-upon way. Stated differently, Mouton (1996:190) clarifies that theoretical definitions specify the connotation of concepts, while operational definitions make the denotations of a concept explicit. In addition, a theoretical definition spells out what is meant or intended by a certain concept, whereas operational definitions link a concept with certain clearly identifiable “objects” in the social world (Mouton, 2001:190).

The following concepts are clearly defined for common understanding:

1.8.1 Culture

“Culture” is described, by Momoti (2002:15), as that which includes people’s entire knowledge and artefacts especially the languages, beliefs and laws that regulate social groups and give them unique characteristics. It is the sum total of the material and spiritual activities, as well as the product, of a given social group (Iya, 1998:233). For this study, culture means a traditional way of doing things.

1.8.2 Traditional Leadership

The Traditional Leadership and Governance Framework Act of 2003 defines traditional leadership as “the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised or practiced by traditional communities”. The term refers to customary systems or procedures of governance, recognised, utilised or practiced by traditional Leadership and Governance Framework Act 203 (Khanyisa, 2010). Traditional leadership is an institution governing a particular tribe according to customary law, and has developed over many hundreds of years in Africa (Khunou, 2009:125).

1.8.3 Tribal Leaders

A tribal leader is “any person who, in terms of customary law of the community concerned, holds a traditional leadership position, and is recognised in terms of this Act” (Traditional Leadership and Governance Framework Amendment Bill of 2008 Section 1(1)). For the purpose of this study a tribal leader includes traditional leadership such as *indunas*, chiefs, and headmen.

1.8.4 Tribal Authority

According to the Bantu Authorities Act of 1951 (Act 68 of 1951) Section 6, “tribal authority” refers to the authority that is bestowed upon a tribal leader within a tribal area in a hereditary succession system. The term refers to the tribal authority that has been transformed in terms of the Traditional Leadership and Governance Framework Act 41 of 2003 (Khunou, 2009).

1.8.5 Initiation School

Initiation School is defined as a registered cultural institution or place where cultural initiation into manhood/womanhood, including teachings of cultural practices and behaviours, are carried out (Meissner & Buso, 2007:371). In this study, initiation school and circumcision school will be used interchangeably. Of course, the word “school” is used very differently from that of the institutions run by ministries or departments of education. Initiation schools are not permanent institutions, nor do they operate according to state standardised curriculums. Instead, initiation schools are highly mobile and transient, and they operate for short periods of time during the winter and summer vacation periods of formal schools (James, 2014; Bogopa, 2007).

“Initiation school” refers to any customary or cultural practice of traditional communities that is used by such communities as a rite of passage into adulthood in respect of male or female children (Policy on the Customary Practice of Initiation in South Africa, 2015). Initiation school in the context of this study means a registered cultural institution or a place where cultural initiation into manhood/womanhood, including teachings of cultural practices and behaviours are carried out.

1.8.6 Male circumcision

“Male circumcision” means the surgical removal of the foreskin by a medical practitioner, or a traditional surgeon, as part of a customary male initiation process (Behrens, 2014:1).

1.8.7 Traditional Surgeon (Mayini)

“Traditional surgeon” means a traditional healer who performs the circumcision; it includes any person who has been trained to do so and complies with the requirements of the practice (Ntombana, 2011:2).

1.8.8 Abduction

“Abduction ” means taking a person forcefully without his consent or, in the case of a minor, without the consent or permission of parents or guardians (Traditional Leadership and Governance Framework Act No. 41 of 2003).

1.8.9 Ukuthwala

Huisamen, Nosilela and Kaschula (2010:1) define the concept of *Ukuthwala* as an age-old Xhosa marriage custom which involves the ‘legal abduction’ of the bride-to-be. The custom entails the ‘abduction’ of the unsuspecting bride-to-be by the suitor’s friends once the marriage has been negotiated between the two families (Ovens & Prinsloo, 2010).

1.8.10 Initiate

“Initiate” means a person who has been admitted into the initiation school (Ntombana, 2011:2).

1.8.11 Instructor (Mudzabi)

According to Section 1(1) of the Traditional Leadership and Governance Framework Amendment Bill (2008), “instructor” means a person who looks after the initiates, teaching them folklore poetry and other crucial proceedings regarding man- and/or womanhood.

1.8.12 Partnership Policing

Partnership policing is a multi-agency approach whereby the police, elected officials, government and other agencies work in partnership to address crime and community safety (Oppler, 1996:1). For this purpose of this study, partnership policing is regarded as a formal structural arrangement between the police, the community, other state institutions, business and traditional leadership, for the purpose of promoting good relations amongst all concerned, and for addressing crime-related issues within the community. The term “partnership policing” refers to the collaboration that takes place amongst police officers, community members, government agencies and other stakeholders in order to prevent crime (Miller & Hess, 2005:174). For this study, the researcher regards partnership policing as a formal structural arrangement between the police and the community with the intention to address crime-related challenges.

1.8.13 Community Police Forum

A Community Police Forum (CPF) is a group of people from the police and from different environments that collaborate to address crime in their communities. The concept is linked to the South African Police Service Act, 1995 (Chapter 7), which requires that the police - at both area and provincial levels - establish and maintain CPFs and boards. According to section 18(1) of the South African Police Service Act, 1995, the service shall, in order to achieve the 8 objects contemplated in section 215 of the Constitution, establish and maintain a partnership with the community. CPFs assist to promote the accountability of the police at the local level (Stevens & Yach, 1995:5).

1.9 RESEARCH METHODOLOGY

Research methodology refers to the systematic way in which, and the procedures by which, researchers go about their work of describing, explaining and predicting phenomena (Moore, 1999:3). According to De Vos et al., (2011:297-327), there are three well-known and recognised approaches to research, namely, qualitative, quantitative and mixed-methods. For this study, the researcher chose the qualitative research approach. This approach was adopted because it employs a multi-side case study approach. This was aimed at assessing and analysing the roles of various participants on the subject of traditional leadership and partnership policing. Qualitative research methods make it possible to obtain first-hand information because these methods involve the collection of a variety of empirical material, such as: case study, introspection, personal experience, interviews, observation, and historical, interactional and visual text. Qualitative research is multi-method in focus, involving an interpretive, naturalistic approach to its subject matter (McMillan & Schumacher, 2006:340). Furthermore, qualitative research is interactive, face-to-face research, which requires a relatively extensive amount of time to systematically observe, interview and record processes as they occur naturally. The common thing about qualitative research is that it focuses on natural phenomena and studies the complexity of those phenomena (Leedy & Ormrod, 2010:135). The advantages of qualitative research methods are that greater insight can be gained as to why participants feel a certain way, which can add to the depth of understanding that the researcher may have of the research problem (Cassim, 2011:71). Some weaknesses of qualitative research

methods, such as interviews and focus group discussions, for example, are that they are time intensive and may be considered “subjective” (Cassim, 2011:82). The goal of the research methodology is to provide a clear and complete description of the specific steps to be followed in addressing the research problem (Denscombe, 2009). The interviews in this research were used as the primary data collection tools, and the literature review was a secondary device.

1.9.1 Research Design

In this study, qualitative methodology was used to investigate the role of traditional leadership in partnership policing. Various forms of data collection were used; this includes non-participative observations during the initiation season in June 2016, individual/personal visits to key role players, and focus-group interviews amongst others. Interviews were conducted with traditional leaders from selected tribal authorities in the Giyani and Malamulele areas. Participants in the interviews ranged from five to ten representatives. The tribal authorities of the two communities with whom the interviews were conducted are listed in alphabetical order, as follows: Magona Tribal Authority in Malamulele and Mabunda Tribal Authority. Open-ended questions were used during interviews to allow participants to express themselves freely in their own language. Notes were taken by the researcher and some of the interviews were recorded using a tape recorder; however, some interviews were not recorded as the participants felt uncomfortable. This was intended to solicit the participants’ knowledge, experience and views regarding the topic being researched. Four traditional leaders, thirteen headmen, ten members of the South African Police Service (SAPS), and two representatives from the Community Police (CPF) participated in the interviews.

1.9.2 Population and sampling

Participants were chosen using purposive sampling. According to Babbie (2007:287), purposive sampling is used to generate a greater understanding of the subject being studied. Purposive sampling refers to a non-probability procedure which is used to deliberately decide on the units of analysis (Babbie, 2007:225; Maxwell, 2005:87; Teddlie & Tashakkori, 2009:77). An interesting aspect of the definition of purposive sampling is the use of the term *units of analysis*. In social science research; the use of this term to refer to participants and is tantamount to labelling people as entities other

than human. Part of the ongoing discourses amongst scholars in social research is purely premised on objections to referring to human beings as units of analysis. The unit of analysis in this research were those mentioned in the previous sections of this chapter.

Four sub-groups were purposively sampled for participation in this study. The first sample includes three traditional gatekeepers i.e. Chiefs, *Indunas* and Headmen attached to the Tsonga, Venda and Pedi tribes in the Giyani and Malamulele districts in Limpopo. Leaders in the initiation schools, community members and the representatives of provincial authority were identified for the interviews. These participants have vast experience in the application of initiation customs and tradition.

The second sample consisted of two SAPS representatives, namely, the Head of Crime prevention in Limpopo and the SAPS Communication spokesperson in the province. These two representatives are at the forefront of crime prevention in these areas, and every crime that is reported is communicated to the media via the communication spokesperson. The third sample was solicited from the Community Police Forum (CPF) in the identified areas in the Giyani and Malamulele districts. A Community Police Forum is the link between the police and the community. These representatives have been elected and are respected community members. The fourth sample consisted of one representative from the Department of Community Safety and Liaison in Limpopo and one representative from the Department of Cooperative Government and Traditional Affairs in Limpopo. These two departments exercise executive authority in terms of community safety and traditional affairs, respectively. The decisions made by these two authoritative entities are binding to all citizens. The sample was chosen because the participants are experienced in traditional customs in the initiation schools, therefore, they were likely to provide important information about challenges in the selected areas. The police, traditional leaders and CPF members would provide information about the challenges they face in trying to perform police functions where traditions and customs are practiced. The representatives from the chosen government departments provided insights into the phenomenon from another perspective (i.e. the government's perspective).

1.10 METHODS OF DATA COLLECTION

Four data collection instruments/methods were employed for data collection in this study. These data collection instruments included in-depth interviews, focus group discussions and non-participative observation, as well as individual interviews. The interview questions were designed by the researcher and piloted before the actual interviews. Based on the feedback gained from participants after testing the interview questions, the final interview questions were developed. The interview schedule was pre-tested/piloted before the actual interviews. The questions were extensively discussed with the relevant stakeholders. The researcher discussed the schedule with his supervisor and experts on the subject under study. The interview schedule consisted of questions related to the research problem. Written informed consent was obtained from the participants prior to conducting the interviews. The participants were approached at their environments and places of work, where the gatekeepers have agreed to allow time to conduct this research. The participants were informed of the objectives of the research. A statement was read to each participant in their own language to inform them of their rights, that is, that participation is voluntarily and they have the right to refuse to participate, as well as the possibility of being requested to participate in follow-up research in the future.

For the purpose of this study, the following data collection methods were utilised:

1.10.1 In-depth interviews

The researcher interviewed participants at designated venues assisted by participants, at times convenient for the participants; this was arranged prior to the actual interviews. This was made possible through the assistance of leaders among these groups. This is in line with how Huisamen (2001:144) indicates interviews should be done, that is, when data are to be collected by means of personal visits, interviewers must visit the participants at home or at their work place. The time that the interviewees had available was determined by how long these interviews would last. During these interviews, the researcher made sure that the objectives of the interviews were explained to the participants. Community leaders and elders were located first and asked for permission to interview the study participants; for example, contact was made with the traditional authority before interviewing subjects of the *Indunas* or Chiefs. The researcher made appointments with the targeted groups and officials, from

the Department of Local Government, The House of Traditional Leaders, and the community members. It took quite a long time for the researcher to meet with the participants because they often changed their scheduled appointment time due to their commitments. These interviews were conducted in order to explore participants' responses and to gather more, in-depth information on the subject of the study. This required a long and in-depth discussion over a long period of time.

The researcher used various methods in interviews with participants from the House of Traditional Leaders, Local Government and the community of Giyani and Malamulele as outlined in the research design. The researcher's intention was to provide answers to the research questions in this study. As a result, the researcher used these interviews to get the answers by involving a question and answer session for each interview. The participants' responses were written down and recorded using an audio recorder, at times. A format of planned and structured questions and objectives was prepared by the researcher, which made the process easier to manage (See Annexure A). The interviews were found to be reliable and honest because it would be easy to engage with the participants, which made it easy to observe their feelings and frustrations.

1.10.2 Individual interviews

An individual interview can mean a short conversation during a quick visit or a longer and more structured discussion (McMillan & Schumacher, 2006:476). During this period, the researcher is able to observe the behaviour of the participants, either individually or as a group. The participants were interviewed at times that are safe and convenient. The time interviewees had available determined how long these interviews lasted. During the interview, the objectives of the interviews were explained to participants. Face-to-face interviews or personal interviews were conducted in order to explore the responses of the participants so as to gather more and deeper information on the subject of the research. The advantage of a personal interview is that there is a high response rate. Furthermore, participants are more likely to answer live questions about a matter when they can interact with the interviewer. In addition, participants are more ready to answer orally rather than in writing. The researcher was aware that most of the participants are knowledgeable on the subject of the research, but are not necessarily literate. Interviews were conducted in English and with languages used by

interviewees, depending on the level of understanding. Personal interviews were used to probe answers from the participants; at the same time, the researcher was able to observe the behaviour of the participants, either individually or as a group.

1.10.3 Personal Visits

To ensure that the research is comprehensive, the researcher arranged personal visits with the relevant participants. In this study, the researcher visited the participants in their normal settings/environment. Semi-structured interviews were conducted with SAPS representatives, i.e. the Head of Crime Prevention in Limpopo and the SAPS Communication spokesperson in the province, the representative from the Department of Community Safety and Liaison in Limpopo as well as the representative from the Department of Cooperative Government and Traditional Affairs in Limpopo, using unstructured and semi-structured interviews. Key persons such as Chiefs, *Indunas* and Headmen were also interviewed after permission was obtained from these gatekeepers. According to Welman, Kruger and Mitchell (2005:167), one may consider semi-structured interviews when:

- the topics are of a very sensitive nature
- the respondents come from divergent backgrounds.

1.10.4 Focus group interview

Focus group discussions were also conducted with the same representatives as mentioned above in the identified areas of the Giyani and Malamulele districts. According to Kumar (2011:386), a focus group is a form of strategy in qualitative research in which attitudes, opinions and perceptions towards an issue, product, service or programme are explored through a free and open discussion between members of a group and the researcher. The focus group is a facilitated group discussion in which a researcher raises issues or asks questions that stimulate discussion amongst members of the group. Issues, questions and different perspectives, and any significant points arising during these discussions, provide data to draw conclusions and inferences on. Based on Kumar's explanation of a focus group, the attitudes, opinions and perceptions of the CPF representatives towards the role of traditional leadership in partnership policing were explored for this study. Questions in the form of an interview schedule were chosen as data collection instruments. This type of questioning was used because it allows participants to

respond to questions in their own words and to provide more detail. The questions were presented in both English and Xitsonga in order to enable those who did not understand English to answer in their own language. Participants were given the assurance that their identity would be kept anonymous. The interviews were collected over a period of four months. The researcher found the participants in their place of work, homes and/or at the initiation schools.

1.10.5 Non-participative observation

During non-participative observations, the researcher visited five initiation schools in the Giyani and Malamulele areas. The researcher did not participate in the activities, however, he interacted with leaders in the initiation schools after explaining the objective of such visits. Observation is defined as “the systematic description of events, behaviours, and artefacts in the social setting chosen for the study” (Huisamen, 2001:169). The researcher visited various initiation schools during the initiation season, in June 2016, to observe matters related to traditional circumcision in the field setting. This was done in order to gain first-hand experience of group members, to understand their life-world, and to see things from their perspective. Through non-participative observation, the researcher observed the conduct of *ingcibis* (traditional surgeons) and their assistants. The researcher observed these activities and the actions of those who performed the traditional customs. The researcher took detailed notes of the events. Such observations focused on human action, the physical environment and so forth. According to Erlandson, Harris, Skipper and Allen (1993:23), observation enables the researcher to describe existing situations using the five senses, providing a “written photograph” of the situation under study. Furthermore, observation provides the researcher with ways to check for non-verbal expression of feelings, determine who interacts with whom, and to grasp how participants communicate with each other (Schmuck, 1997:33). To observe situations in their normal setting requires that one lives with the individuals being studied for a few days or even weeks (Huysamen, 2001:169). Observation requires that, for an extensive period of time, the researcher takes part in and reports on the daily experiences of the members of a group which is being studied (Huysamen, 2001:169). Furthermore, the experiences of the individuals involved are not observed detachedly, as an outsider, but are experienced first-hand as an insider. The participant observer becomes a member of the inner circle of the group or event that is being studied. Thus, to study

the phenomenon of tramps by means of this approach would, strictly speaking, require that one live for a few days or even weeks or longer with tramps and that one participate in their daily activities (Huysamen, 2001:169). In order to undergo, first-hand, the experience of the group members, to understand their life-world, to see things from their perspective, and to unravel the meaning and significance they attach to their life-world, including their own behaviour, the role of the group members has to be assumed (Huysamen, 2001:169). The researcher observed the general activities in and the actions of those who perform and participate in initiation/circumcision schools. The researcher took detailed notes of the events. Such observations focused on human actions and the physical environment. Observation started from the 2nd of June until the 9th of June 2016, at various initiation schools in the Giyani and Malamulele areas. Some participants were reluctant to answer certain questions, citing their fear of victimisation. However, some were interested and excited as they felt that the study would help to preserve their culture. In addition, the reactions of the participants could be observed with a better understanding.

1.10.6 Literature Study

The researcher conducted extensive database searches during the entire study, in order to ensure that the most relevant and up-to-date sources were consulted. For the purpose of this research, the crucial literature relevant to partnership policing was also scrutinised. A literature study of official SAPS documents, library sources, media and newspaper reports, research reports and international best practices regarding traditional leadership and partnership policing formed the basis of this study (Babbie, 2010:113). According to Creswell (2009:21), qualitative researchers should use literature inductively and in line with methodological assumptions in a research project. For this study, the literature review was employed as a secondary data collection method. Hofstee (2011:106) strongly asserts that the methods of data collection do in fact facilitate conclusions on a specific problem of the research.

The purpose of a literature review is to inform researchers on what the current train of thought is on a particular subject (Brynard & Hanekom, 1997:31; Hofstee, 2011:91). The literature sources used to inform this research broadened the researcher's understanding of the role of traditional leadership in partnership policing, not only in South Africa, but in other African countries too. The literature review enabled the

researcher to gain a better understanding of the concept being studied as he was able to assess the views of other scholars who wrote about similar studies in the past. According to Auriacombe (2010:17), researchers are encouraged to read about the thoughts and views of other scholars in order to enhance their understanding of the phenomenon being studied. Similarly, Massey (1997:2) is of the opinion that a good literature review offers a synthesis of what has already been written on the topic and what is still not yet known about the topic. The researcher read the perspectives of various scholars, on the role of traditional leadership in partnership policing, extensively. More specifically, the researcher had to engage in a dialogue with the writings and arguments concerning traditional leaders and their role in partnership policing. The data analyses process is described in detail in the following section.

1.11 DATA ANALYSIS

According to Welman, Kruger and Mitchel (2005:211), there is no single method of dealing with data. The researcher grouped the identified codes into categories; this process was done manually, without the assistance of computerised or analytical software. Categorisation refers to the assignment of texts to predefined categories based on their content (Babbie, 2007:312). Categorisation requires that the researcher fully comprehends the real world constraints under which the data was produced. The categorisation process, in particular, was used so that the researcher is able to identify possible themes that may have emerged from the data. ATLAS.ti was considered as possible alternative software, should the need arise. Leedy and Ormrod (2010:152) argue that the data should be analysed and categorised according to their meaning, and the researcher followed this advice in the analysis. Firstly, the researcher recorded the participants' responses verbatim and later translated their meaning. According to Creswell (2009:185), data analyses consist of themes, codes and description as one of the advantages of qualitative research. Themes were grouped into sections and intergraded with the responses from the participants. Coding and categorisation was also applied in this research so that the researcher can analyse, synthesise and then make sense of all the data.

This is a powerful tool for qualitative analysis of large bodies of textual, graphical, audio and video data. To ensure proper and comprehensive data collection, interviews must be recorded and detailed notes must be taken during non-participative observation.

The researcher wrote notes immediately after each visit to the initiation school. The interviews were transcribed by a professional transcriptionist. According to Creswell (2009), data may be grouped as themes, codes. The data was analysed according to the themes and the research questions asked by the researcher. To ensure the trustworthiness of the data, records are kept safe. The data analysis was dependent on obtaining large and consolidated amounts of data that need to be interpreted (Welman & Kruger 2001:183). Some of the methods used include analysing text and speech.

1.11.1 The Coding Process

Coding is the classification of text according to some conceptual framework, and is an indispensable operation in qualitative content analysis (Creswell, 2008:154; Babbie, 2007:311). The codes in this research were used for the production of core constructs from textual data. The coding process was therefore conducted manually, in that the process was conducted without the help of any analytical software. The only classification in the coding was from literature sources or transcribed interviews. According to Welman and Kruger (2001:200), the purpose of the coding process is to identify variables that are to be analysed at a later stage. Subsequent to the coding process, the researcher synthesised all of the data, structured the description and analysis thereof, then classified the codes into specific categories and relevant themes.

1.11.2 The Clustering of Research Themes

The analysis, synthesis and interpretation of the codes, categories and themes that emerged from this research are discussed in detail in ensuing chapter on the research findings.

Issues pertaining to the trustworthiness of the study are outlined next.

1.12 TRUSTWORTHINESS OF THE STUDY

According to Shenton (2004:1), those contemplating undertaking qualitative research must not only be aware of the criticisms typically made by its detractors but they should also be cognisant of the provisions which can be made to address matters such as credibility, transferability, dependability and confirmability. Qualitative researchers use concepts such as trustworthiness, consistency, neutrality, dependability, confirmability,

transferability, as well as applicability, as measures to test for rigor in the data (Mason, 1998:89; Miller, Nelson & More, 1998:126).

1.12.1 Credibility

According to Trochim and Donnelly (2007:149), “credibility involves establishing that the results of qualitative research are credible or believable from the perspective of the participant in the research”. It is thus believed that the participants are the best judge to determine whether or not the research findings have been able to accurately reflect their opinions and feelings. In order to ensure the credibility of the study, the research findings of this study were taken back to participants so that they could judge whether they are a true reflection of their opinions and feelings.

Some of the criteria for credibility involve prolonged and varied field experience, reflexivity, member-checking, triangulation and peer review (Creswell & Miller, 2000:127). In this research, the researcher made sure that the analysed information from interviews was sent to the participants, in order for them to validate whether their ideas were misrepresented at any time. In an attempt to increase credibility, this research also complied with the requirements for theoretical and methodological triangulation processes.

1.12.2 Prolonged engagement

Creswell and Plano Clark (2007:127) recommend “prolonged engagement” between the researcher and the participants in order for the researcher to gain an adequate understanding, and to establish a relationship. The researcher has made preliminary visits to the participants and met with the gatekeepers responsible for allowing access. In this study, the researcher spent lengthy periods of time in the research setting so as to cultivate a broad understanding of the phenomenon being studied, which allowed him to convey details about the participants that would provide credibility to the account of events.

1.12.3 Transferability

Transferability refers to the provision of background data to establish the context of the study and a detailed description of the phenomenon in question to allow comparisons to be made (Shenton, 2004:1). The researcher provides in-depth narratives to convey

the research findings by articulating detailed descriptions of the participants' responses to the interview questions, in the form of verbatim quotations. Such in-depth detail transmits readers to the research environment and adds to a degree of shared experiences. Furthermore, in-depth detail allows readers to make decisions regarding the transferability of the findings.

1.12.4 Dependability

Dependability is concerned with whether researchers would obtain the same results if they could observe the same thing twice (Trochim & Donnelly, 2007:149). Kumar (2011:185) explains that dependability may be difficult to establish unless one keeps an extensive and detailed record of the process for others to replicate in order to ascertain the level of dependability. To ensure dependability, the researcher kept the recordings of all interviews, focus group interviews and non-participative observation notes (in digital and written format). In addition, a detailed list of references that were consulted has been kept. The researcher retained and documented interview guides, how and what data was collected, as well as how interviews, focus group interviews and non-participative observation were conducted. These detailed records enable any other person to conduct interviews and focus group interviews with the interviewees included in this study, at any other time, with a high possibility of achieving similar results. Some of the criteria used to determine dependability involve audits and dense description (Shenton, 2004:11). The fact that the different experiences and accounts arise from interviews with participants could be inter-corroborated and connected to data in the literature sources, attests to the consistency in this research.

1.12.5 Confirmability

According to Trochim and Donnelly (2007:149), confirmability refers to the degree to which the results could be confirmed or corroborated by others. Confirmability is only possible if both researchers follow the process in an identical manner for the results to be compared. To ensure confirmability in this study, the researcher kept a detailed record of the research process followed to regulate whether the interpretation of the findings, the recommendations and conclusions made can be drawn to their sources and if they are supported by the analysis. The researcher also protected the data retrieved electronically during the interviews and focus group interviews. Records of

the transcribed interviews are stored for review by other researchers, in order to validate or corroborate the results of the study.

1.13 METHOD TO ENSURE RELIABILITY

Reliability involves the accuracy of the research methods and techniques (Mason, 1998:23). Moreover, it relates to the consistency of the data-collection methods used. According to Creswell (1999:191), “reliability” refers to the consistency of measurement and the extent to which the results are similar over different forms of the same instrument or occasions of data collection. Reliability can also be ensured by minimising sources of measurement error, like data collector bias.

1.14 METHOD TO ENSURE VALIDITY

Validity refers to the empirical measures on instruments and other methods used during data collection (Babbie & Mouton, 2001:122). Triangulation was used in this study. According to Leedy and Ormrod (2010:99), with triangulation, multiple sources of data are collected with the hope that they will all converge to support a particular hypothesis or theory. To triangulate means to use different sources of information by examining evidence from sources and using it to build a coherent justification for themes (Creswell, 2009:191). The questions were formulated in single language for clarity and ease of understanding. All the participants responded to the questions in the presence of the researcher. Some questions were rephrased in order to offer clarity on the questions and more appropriate alternative response choices were added to the closed-ended questions so as to provide for meaningful data analysis.

1.15 ETHICAL CONSIDERATIONS

According to Leedy and Ormrod (2010:101), researchers must seriously consider ethical issues whenever their research is about human beings or other creatures with the potential to think, feel and/or experience physical or psychological distress. Huysamen (2001:178) is of the view that the essential purpose of research ethics is to protect the welfare of research participants. Ethics are defined as the science of human behaviour and conduct with the intention of valuing and safeguarding human dignity, promoting justice, equality, truth and trust. Ethics are associated with morality (Babbie, 2007:464). This research was conducted in accordance with the University of South

Africa's Policy on Research Ethics (UNISA, 2007). The researcher adhered to the following ethical principles:

The researcher explained the purpose of the research to the participants and allowed them to ask questions about the research, before conducting the study with them. The researcher told the participants that their participation in the study was voluntary and those who did not wish to participate should feel free to decline. The participants signed a consent form as a sign that they voluntarily agree to participate in the study. The researcher explained to participants that all the information that they disclose would remain confidential and anonymous, and their names would not be mentioned in the study. According to Hofstee (2011:118), reporting on ethical procedures outlines how the research complied with institutional protocols or guidelines. The written consent letters of identity from the University were produced to the participants to assure them (See Annexure G).

1.15.1 Permission to conduct the study

Creswell (2009:57) mentions that, prior to conducting a study, it is necessary to gather college or university approval from the institutional review board for the data collection involved in the study. The researcher sought the approval of the University of South Africa's College of Law Ethics Sub-Committee. In addition, McMillan and Schumacher (2001:15) advise the researcher to seek permission to access the selected research sites and/or samples. In this study, the researcher obtained written permission from traditional leadership gatekeepers, that is, Chiefs, *Indunas* and Headmen. Permission was also obtained from the SAPS and the relevant government departments.

1.15.2 Privacy

Huysamen (2001:178) mentions that the essential purpose of research ethics is to protect the welfare of the research participants. Morris (2006:246) states that "in order to avoid doing harm to participants, one must guard against both physical damage and psychological damage. Participants have a right to privacy and the researcher must keep personal identification confidential". In this study, the researcher made sure that none of the participants' names were exposed. It is undisputable that scientific research is a dynamic process that sometimes entails the invasion of people's lives.

One of the most contentious issues in social research relates to invasions, by researchers, on the privacy of their research participants.

Privacy can be an issue of law, even when such invasions are in moderation of social research. For instance, the Constitution of the Republic of South Africa (Act 108 of 1996) affirms the right of every person not to have their privacy unduly violated (South Africa, 1996). What is inferred by this is that any researcher who, in any way, violates a research participant's right to privacy, will not only be acting in an unethical manner, but will also be in direct violation of the law itself. However, an interesting argument about privacy is that, whilst researchers might grapple with these issues from a moral outlook, legislators will view it from a political perspective.

1.15.3 Informed Consent

Written informed consent should be obtained prior to any interview, and is a necessary requirement in any research (Hakim, 2000:143). In this instance, informed consent meant that prospective participants agreed to participate in the study voluntarily. The basis of informed consent is making sure that the participants who are going to take part in the research understand what they are consenting to participate in (De Vos et al., 2002:65). These authors are of the opinion that the researcher must ensure that all participation is done with the full knowledge and cooperation of subjects, while also resolving, or at least relieving, any possible tensions, aggression, resistance or insecurity of the subjects. In this study, participants' consent was obtained before they were interviewed. The subjects were informed of their rights to voluntarily consent or to decline to participate, and to withdraw participation at any time without penalty. The participants were informed of the purpose of the study, the procedures that would be used to collect data, and they were assured that there were no potential risks or costs involved. As a result, no participant was forced to participate in the study and their voluntary consent was obtained. The researcher disclosed, in full, to all of the participants, what the aim of this research project was, which methods were going to be used during the course of the study, what the planned results were and how the data was going to be utilised. This disclosure was put in writing for the participants and the researcher verbally clarified some of the details prior to conducting the interviews.

1.15.4 Voluntary Consent

The researcher advised all research participants of their right to withdraw from participation in the study at any stage or given time, should they wish to do so. It is in this way that consent forms were given to all research participants to sign. However, the forms were never a binding contract that would force people to provide information once they have signed on the dotted line. Instead, all research participants were informed that withdrawal was always an option. A copy of the consent form used in this study is therefore attached to this thesis (See Annexure G).

1.15.5 Anonymity and Confidentiality

Any research study involving human beings should respect each participant's right to privacy (Leedy & Ormrod, 2010:102). The researcher informed the participants that all the information they disclose will remain confidential and anonymous. Consequently, no names are mentioned in the study. In this study, confidentiality was maintained by keeping the collected data confidential and not revealing the subjects' identities.

1.16 CHAPTER LAYOUT

Chapter 2: Provides a discussion of the legislative framework governing traditional leadership. This chapter presents a review of the legislation governing traditional leadership in South Africa.

Chapter 3: This chapter provides a reviews of the literature and scholarly debates relevant to the topic, with particular reference to traditional leadership. The chapter also offers a description of the main policy drivers.

Chapter 4: In this chapter, traditional initiation schools in Africa are discussed.

Chapter 5: This chapter provides an overview of the partnership policing context, in which a South African overview is presented.

Chapter 6: This is the data analysis/findings and data interpretation chapter of the study. This chapter will analyse and discuss the results of the study, in accordance with its objectives.

Chapter 7: In this chapter, an interpretation of the findings is presented.

Chapter 8: This chapter presents the summary, conclusions and recommendations of the study. The chapter summarises the conclusions of the research, defines where and how it has moved forward, debates and sets out new research agendas that have emerged from the study. This chapter makes recommendations based on the findings of the study.

1.17 SUMMARY

The role of traditional leadership in partnership policing varies from one geographical area to another. The subsequent chapters of this study will explore the influence of traditional leadership in modern policing of the 21st century, in Limpopo, where the indigenous and traditional way of governance still forms part of community life.

This study will analysed the role of traditional leaders in partnership policing in the rural areas of Limpopo. The motivation for the study, as well as the significance thereof, was presented in the current chapter. The focus of the study was highlighted in the discussion of the goals and objectives of the study, and the introduction of key theoretical definitions provided additional clarification. Further, the temporal and geographical limitations of the study were presented herein in order to clarify where and when the study was conducted. This chapter provided detailed information on the research methodology, and accentuated the steps that were followed to address the research problem and to reach the goal of this study. These steps included the research approach and design, the sampling of the population, methods of data collection, data analysis procedures, a description of the measuring instrument, and methods to ensure validity and reliability. The goal of this study is to promote knowledge and understanding of the role of traditional leadership in partnership policing in Limpopo, through literature study, focus group interviews, personal visits, individual interviews and non-participative observations. This research is of a qualitative nature.

CHAPTER 2: LEGISLATIVE FRAMEWORK GOVERNING TRADITIONAL LEADERSHIP IN SOUTH AFRICA

2.1 INTRODUCTION

The Republic of South Africa is a Constitutional democracy governed by a legislative framework and policies. This means that every institution must comply with the prescriptions of the Constitution in all their operations. The transformation of and institution like that of traditional leadership will require a great deal of effort. While some progress was made in this regard since the advent of democracy, a lot still needs to be done to ensure compliance with the Constitution. Some scholars argue that the institution of traditional leadership was not fully recognised by the Constitution of the Republic of South Africa, however, some tend to disagree with this argument. The differing views on this important subject warranted this research. Research indicates that the institution of traditional leadership has existed for centuries, as opposed to democratically-elected institutions (Holomisa, 2004). The institution of traditional leadership has been in existence for many years and has gone through various phases of transformation. Moreover, (Holomisa, 2004) indicates that, in some instances, there have been attempts to get rid of the institution. The researcher attributes the survival of the institution to its resilience, and the determination of traditional leadership. “

This chapter presents an overview of the applicable and comprehensive legislative framework and policies that govern the institution of traditional leadership in South Africa. The matter of traditional leadership in post-apartheid South Africa was addressed by the interim Constitution of 1993, which paved the way during the transitional arrangements. The significance of the interim Constitution is that it is the first legislative directive to address matters affecting institutions of traditional leadership during difficult times in the country. Moreover, it represented and continues to represent the majority of rural communities. These communities were marginalised and did not know any kind of authority except traditional authorities.

2.2 STATUTORY AND POLICY FRAMEWORK GOVERNING TRADITIONAL LEADERSHIP IN THE SOUTH AFRICAN CONTEXT

Firstly, it is important to focus on the statutory and legislative framework that governs the institution of traditional leadership in South Africa. Moreover, the idea is to highlight

the significance of this institution for the majority of South Africans, particularly those in the rural areas. Traditional leaders play a significant role in terms of safety and security because they command the respect of the community under their leadership. It is not possible to talk about effective partnership policing with the exclusion of traditional leadership in South Africa. Further, Constitution of the Republic of South Africa Act 108 of 1996 is clear with regard to the roles and responsibilities of traditional leaders. A discussion of the Interim Constitution of 1993 (South Africa, 1993) will be presented in this chapter; this will be followed by a discussion of the Constitution of the Republic of South Africa Act 108 of 1996, and the legislation that governs the role of traditional leadership. In this study, the Constitution of the Republic of South Africa Act 108 of 1996, the National House of Traditional Leaders Act, 1997 (Act 10 of 1997) (Khunou, 2009:6), the Traditional Leadership and Governance Framework Act, 2003 (Act 41 of 2003), and the White Paper on Traditional Leadership and Governance of 2003 (South Africa, 2003) are presented. The Interim Constitution of the Republic of South Africa, of 1993, follows for discussion in the next section.

2.2.1 The Interim Constitution of the Republic of South Africa Act 200 of 1993

According to Holomisa (2004:1), the Interim Constitution of South Africa (South Africa, 1993) served as a precursor to the final Constitution of the Republic of South Africa Act 108 of 1996. While legislators were finalizing the Constitution, the Interim Constitution of 1993 made provision for the roles and responsibilities of traditional leadership. The Interim Constitution was the high law of the country at the time. Before 1994, most communities in rural areas did not recognise any institution except the institution of traditional leadership. Traditional leaders reside in communities, therefore, they can easily relate to matters affecting citizen under their leadership. The advent of democracy in South Africa demanded that the institution of traditional leadership be transformed so as to align itself with the law. This was often met with some kind of resistance. Traditional leaders needed assurance that their powers and authority were not going to be taken away from them. Majority of traditional leaders interviewed still believe that the so-called democracy is a well-planned strategy to wrestle power from them, hence, resistance still exists in some areas to this day. It is also important to note that the institution of traditional leadership represented a very significant constituency, particularly in the rural areas of South Africa. As a result, this institution was recognised in the Interim Constitution. Government had to tread carefully on any matter affecting

traditional leadership, largely due to the fact that they were at risk of losing support during elections. Assuring traditional leaders that their power is intact requires a great deal of effort and demands continuous engagement. Tlhoale (2012:60) argues that the Interim Constitution of 1993 failed to address the concerns of traditional leaders. This had a negative impact on service delivery, particularly in the rural areas where traditional leaders have support. The Interim Constitution laid the foundation for further engagements. It may also be argued that the final Constitution did not fully recognise the institution of traditional leadership, and it failed to meet the expectations of traditional leaders. This is evident in the friction between government-elected officials such as councillors and traditional leaders in some communities to date, as they continues to battle for territorial control.

During this era, traditional authorities were recognised in terms of section 181 of the Interim Constitution of 1993. This section provided for matters related to power, authority and other custom-related matters. This section (section 181), only provided limited power [ex-officio] to traditional authorities, and did not go down well with the majority of traditional leaders (South Africa, 1993). Shembe (2014:24) argues that the Interim Constitution is the first to recognise Traditional Leadership, albeit on a limited basis. In essence, this meant that these traditional leaders had the power and authority to adjudicate over certain matters within their jurisdiction. Having this status, traditional leaders were afforded an opportunity to participate in governance matters at the local level, but they were not permitted to cast a vote. This caused them to feel that they were being undermined and, consequently, some openly resisted any government programme within their jurisdiction. In an effort to address further problems, the Council of Traditional Leadership was established with the aim of addressing the concerns of traditional leaders. This led to the establishment of the Council of Traditional Leadership in order to ensure that these concerns are addressed. In addition, the Interim Constitution of 1993 provided for the establishment of the House of Traditional Leaders in terms of Section 181(1). Section 183(1) of the Interim Constitution of South Africa requires that the House of Traditional Leaders be established (Constitution of SA, 1993). The institution of traditional leadership was recognised by the Interim Constitution, in terms of Section 184(1). Moreover, the 1993 Interim Constitution provided for the establishment of provincial houses in which there are traditional authorities and their communities. This move clearly provided an opportunity for

dialogue between government and traditional leadership. Ntsebeza (2004:5) argues that the establishment of the provincial houses was the exclusive prerogative of the provincial legislature.

The Interim Constitution paved the way for the recognition of traditional leadership institution in a democratic South Africa. The Interim Constitution of the Republic of South Africa, Act of 1993 (South Africa, 1993) marked the end of apartheid and made sure that the institution of traditional leadership was accorded its rightful position in a democratic dispensation. Moreover, the Interim Constitution made sure that the roles and responsibilities of traditional leaders are clearly defined. Furthermore, the Interim Constitution made sure that the institution of traditional leadership operates in accordance within the laws of the country. The Interim Constitution made sure that the roles, powers and functions of traditional leaders are clearer to even the uneducated traditional leaders. In the following section, the Constitution of the Republic of South Africa Act 108 of 1996 is discussed with particular reference to traditional leadership. The Interim Constitution of the Republic of South Africa set the tone for the recognition of traditional leaders in a democratic dispensation (Sithole & Mbele, 2008:18).

2.2.2 The Constitution of the Republic of South Africa Act 108 of 1996

Chapter 12 of the Constitution of the Republic of South Africa Act 108 of 1996 makes provision for the status and role of traditional leadership in South Africa (Shembe, 2014:26). In terms of section 12(1), “National legislation may provide for a role for traditional leadership as an institution at a local level on matters affecting local communities.” Moreover, subsection (2) (a) and (b) states that:

- National or provincial legislation may provide for the establishment of houses of traditional leaders; and
- National legislation may establish a Council of Traditional Leaders.

Section 211(1) of the Constitution of the Republic of South Africa Act 108 of 1996, provides for the recognition of the “status and role of traditional leadership”, however, section 211(2) makes this recognition subject to applicable legislation (Bennett, 2003:114). Moreover, section 211(2) allows the national and provincial houses of traditional leadership to exist without entrenching their powers and functions. Furthermore, section 212(2) deals with “matters relating to traditional leadership, the

role of traditional leadership, the role of traditional leaders, customary law and the customs of communities observing a system of customary law” (South Africa, 1996). However, some researchers and scholars are of the opinion that the Constitution does not sufficiently address these roles and powers as the functions of traditional leaders (Williams, 2003:4). Shembe (2014:26) is of the opinion that the 1996 constitution is good on paper, but fails to address pertinent and real issues that traditional leaders are confronted with on a daily basis. Moreover, it raises more questions than answers; one such question is ‘who should define customary law and how?’ These are some of the issues that left some traditional leaders unhappy, however, it is through continuous engagement that answers to these questions may be found.

As it indicated earlier in this chapter, the drafters of the Interim Constitution of 1993 laid a foundation. The 1996 Constitution of the Republic of South Africa was supposed to complete this work in order to ensure that there is a harmonious relationship between traditional leadership and other organs of the state. This would, in turn, ensure effective service delivery and development, especially in rural areas which were previously neglected.

According to Khunou (2009:1), The South African Constitution was required to assist in the development of laws that would adequately address the need for society equally. Khunou is of the opinion that the Constitution did not address the roles and responsibilities of traditional leadership. This, he argues, led to a situation in which it seems that the role of traditional leadership is undermined. Furthermore, undermining indigenous customary laws, which the majority of rural population abide by, will only lead to a hostile environment (Khunou, 2009:81).

The view that the Constitution of the Republic of South Africa fails to adequately address matters related to traditional leadership is supported by the fact that only two sections (Section 211 and Section 212) of the document are devoted to matters of traditional leadership. In contrast, four sections (Section 181; Section 182; Section 183; and Section 184) of the Interim Constitution dealt with these matters.

Traditional leadership appears to be reluctant to recognise democratically-elected representatives, such as councillors, because they believe that these officials do not

respect them as traditional leaders. As a result, there is a lack of development in rural areas previously led by traditional leadership, in most parts of South Africa. The communities in these areas are negatively impacted by these power struggles. In certain instances, traditional leaders refuse to grant permission for development to take place, unless they are involved in the planning stages of such development plans.

The following discussion focusses on The White Paper on Traditional leadership and Governance Act.

2.2.3 The White Paper on Traditional Leadership and Governance, 2003

The institution of traditional leadership was also recognised by The White Paper on Traditional Leadership and Governance of 2003 (WPTLG) (Sithole, 2005:18). In the White Paper, the roles and responsibilities of traditional leadership were articulated in terms of section 3(b). The WPTLG gave traditional leadership power to discharge their functions as the custodians of custom and tradition (Bokwe, 2013:26). The objective was to ensure that traditional leaders operate only in their identified areas of jurisdiction, with only limited powers (Department of Provincial and Local Government (DPLG) of 2006). The WPTLG is divided into the following chapters:

Chapter One addresses the roles and functions of traditional leadership (Ntsebeza, 2004:2). Traditional leaders at the local level have a better understanding of the challenges faced by community members under their leadership. Therefore, the White Paper was aimed at enhancing the relationship between traditional leadership and community members. Community members respect the leadership with whom they are familiar, rather than democratically-elected leaders such as councillors. Community members resent leadership that is imposed on them without consultation. In essence, Chapter Two aimed to empower traditional leadership with the skills that would assist them to perform as required by law.

In Chapter Two of the WPTLG, the transformation of the institution of traditional leadership was provided (South Africa, 2003). It is clear that, without the cooperation of traditional leadership, this transformation would be difficult to achieve. This required the cooperation and participation of traditional leadership. There was a need to assure these leaders that the idea behind this transformation was to ensure development and service delivery, and not to disempower these leaders. To date, there is still some

resistance, in certain sections of the community, to accepting that change is a reality that has to be confronted. Traditional leadership had to be educated about the importance of transformation. They had to realise that no culture is static. As a result, the WPTLG aimed to ensure that traditional leadership operates within the confines of the law in a democratic setting.

The objective of the WPTLG is to address problems associated with the institution of traditional leadership in South Africa. It is common knowledge that this institution has to grapple with a myriad of challenges that threaten its existence if left unattended. For example, conflict between councillors and traditional leadership in certain municipalities is a result of some leaders ignoring section 3 of the WPTLG. The WPTLG outlines how different organs of the state can cooperate to ensure that community challenges are addressed collectively. At the local level, there are Houses of Traditional Leaders (HTLs) which have the power and authority to handle matters that fall under the jurisdiction of the Institution of Traditional Leadership. However, traditional leaders often complain that councillors interfere in affairs that fall under their jurisdiction. These territorial squabbles have a negative impact on service delivery and underdevelopment. What should happen is cooperation amongst these state organs in order to ensure the delivery of quality services. This means that the traditional leadership and democratically-elected councillors should collaborate and cooperate in order to ensure that there is development and service delivery at the local level. Moreover, their roles should be clearly defined in order to avoid friction, which has a negative impact on service delivery. It is evident that traditional leadership and councillors are equal partners who should always avoid self-interest at the expense of service delivery and community needs (WPTLG, 2003:28). Furthermore, the objective of the WPTLG is to address challenges such as succession, and allocation of communal land for grassing and agricultural purposes. Moreover, this chapter is set to outline the need to introduce legislation that regulates the institution of traditional leadership.

Different laws related to the institution of traditional leadership are outlined in Chapter Five of the WPTLG (2003:30). Moreover, WPTLG makes provision for the rationalisation, amendment and repeal of laws involving the institution of traditional

leadership. Chapter Five regulates all matters that involve the institution of traditional leadership in general (WPTLG, 2003:30).

Chapter Six of the WPTLG regulates norms and standards in provinces, and it regulates local houses of traditional leadership, as set up by the national legislation (WPTLG, 2003:31). Further, it consolidates government's viewpoint regarding traditional leaders and their roles. These functions are monitored by government as an oversight, to ensure that traditional leaders function in accordance with the Constitution of the Republic of South Africa of 1996 (South Africa, 1996).

The cooperation between government and traditional leadership at the national, provincial and local levels ensures that the lives of the people are improved (WPTLG, 2003:36). Furthermore, there can be no development without the cooperation of these spheres of government. The national government relies on the support of these spheres, that is, the national, provincial and local houses of traditional leadership. This partnership, like any other partnership, can only succeed when there is mutual trust amongst all partners. Polarisation can have a negative impact on service delivery and development.

Research shows that traditional leaders are the custodians of tradition and culture (WPTLG, 2003:24). As a result, no other state organ can claim to understand the needs of rural communities more than traditional leaders who reside with the citizens. The institution of traditional leadership requires the support of government for sustainability as this institution is not able to generate sufficient revenue for developmental purposes. Cooperation between government and the institution of traditional leadership will ensure quality service delivery and the development of communities. It will also ensure peace and stability in the country. Instability is often caused by frustrations around the lack of service delivery. Communities end up destroying property as a way of demonstrating these frustrations (WPTLG, 2003:24).

The following section presents objectives of the White Paper on Traditional Leadership and Governance of 2003 (WPTLG). Various role players were involved in the drafting of the White Paper on Traditional Leadership and Governance. This involved robust debates and sometimes resistance from various quarters, particularly, those traditional leaders who believed that their existence was being threatened.

2.2.4 Objectives of the White Paper

The objectives of the WPTLG of 2003 are the following:

- To transform the institution of traditional leadership;
- To restore the integrity and legitimacy of the institution of traditional leadership; and
- To define the place and role of the institution of traditional leadership in the democratic dispensation. (Bokwe, 2013:26)

According to the WPTLG (2003:26; Bokwe, 2013:26), the transformation of the Institution of Traditional Leadership is significant, and is aimed to achieve the following:

- To mobilise communities at the local level;
- To manage, and resolve disputes in customary courts;
- To create partnerships for service delivery.

The WPTLG of 2003 recognises the significant role played by traditional leadership in service delivery at the local level. It also emphasises cooperation and collaboration between government and traditional leadership as a cornerstone of peace and stability (South Africa, 2003). The WPTLG was realised after extensive deliberation by various stakeholders (Williams, 2004:12; Bokwe, 2013:27). The WPTLG subsequently led to the Traditional Leadership and Governance Framework Act 41 of 2003 (William, 2003:13).

The Traditional Leadership Governance and Framework Act, 2003 (Act No. 43 of 2003) is presented in the following section.

2.2.5 Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003)

According to Shembe (2014:30), the Traditional Leadership and Governance Framework Act (Act 41 of 2003) provides for the following:

- recognition of traditional communities;
- establishment and recognition of traditional councils;
- functions of traditional councils; and
- partnerships between municipalities and traditional councils.

Chapter Five of the Traditional Leadership and Governance Framework Act, Act 41 of 2003, also makes provision for the roles and functions of traditional leadership (Shembe, 2014:30). Section 19 of the Act provides for the traditional leaders to perform the functions provided for in terms of customary law and the customs of the traditional community concerned. Section 20(1) provides the guiding principles for the allocation of roles and the functions of traditional councils. The main role of traditional councils is to provide a forum for the discussion of issues related to traditional leadership (Shembe, 2014:30).

The Traditional Leadership Governance Framework Act, 2003 (Act No.43) of 2003 was established with the objective to meet community needs (Bokwe, 2013:31). It is important to note that traditional communities did not know any form of authority except traditional authorities, hence, there was resistance to the transformation of traditional leadership by government. Traditional authorities still do not understand the democratic judicial system and would like to continue to handle cases within their communities in accordance with their customs and traditions. They believe that the traditional resolving of disputes is efficient and effective. Furthermore, traditional leaders believe that the modern judicial system is riddled with flaws and provides more rights to perpetrators of crime than it does to the victims of crime. The TLGFA is believed to be the right platform to address the sensitive land issue in South Africa. It can be argued that government cannot address the land issue without the involvement of traditional leadership (Bokwe, 2013:32). Hartman (1993:99) argues that the TLGFA was established to align the role of traditional leadership with their constitutional roles and responsibilities (i.e. their constitutional mandate).

The Act (TLGFA) provides for the recognition of traditional leadership as a custodian of custom and tradition. Furthermore, it regulates the roles and responsibilities of traditional leadership. In addition, the TLGFA makes provision for communities to participate in traditional councils in order to empower them to function in accordance with the Constitution of the Republic of South Africa (South Africa, 1996). As a result, traditional leadership will be able to lead developmental initiatives in the community.

The objectives of the Traditional Leadership Governance Framework Act, 2003 (Act No. 43 of 2003) are: to set out a national framework and norms and standards that will define the place and role of traditional leadership within the system of democratic

governance; to transform the institution in line with constitutional imperatives; and to restore the integrity and legitimacy of the institution of traditional leadership in line with customary law and practices. The TLGFA of 2003 (Act 41 of 2003) complies with Section 212(1) of the Constitution, which requires that the roles of traditional leaders must serve the interests of the communities under their leadership (Bokwe, 2013:33).

2.2.5.1 Purpose of the TLGFA of 2003 (Act 41 of 2003)

The purpose of the TLGFA is to:

- provide for the establishment and recognition of traditional councils;
- provide for a statutory framework for leadership positions within the institution of traditional leadership;
- provide for the recognition of traditional leaders and the removal from office of traditional leaders;
- provide for houses of traditional leaders;
- provide for the functions and roles of traditional leaders;
- provide for dispute resolution and the establishment of the Constitution on Traditional Leadership Disputes and Claims;
- provide for a Code of Conduct;
- provide for the amendments to the Remuneration of Public Office Bearers Act of 1998; and
- provide for matters connected therewith.

2.2.5.2 Preamble to the Framework Act

The preamble of the principal Act is crucial because it sets the tone for the final law on traditional leadership. In terms of The Framework, the Act attempts to: “set out a national framework and norms and standards that will define the place and role of traditional leadership within the new system of democratic governance; transform the institution in line with constitutional imperatives; and restore the integrity and legitimacy of traditional leadership in line with customary law and practices”.

The preamble further states that the State recognizes that: “the South African indigenous people consist of a diversity of cultural communities; the Constitution recognizes the institution, status and role of traditional leadership according to customary law, and a traditional authority that observes a system of customary law;

the State needs to provide appropriate support and capacity building to the institution of traditional leadership; the institution of traditional leadership must be transformed to be in harmony with the Constitution and the Bill of Rights to enhance democratic governance and advance gender equality as it strives to enhance tradition and culture”.

The Framework assists in identifying the roles and functions of traditional leadership. In terms of the Framework Act, an institution of traditional leadership must *inter alia* strive to: promote freedom, human dignity and the achievement of equality and non-sexism; derive its mandate and primary authority from applicable customary law and practices; enhance tradition and culture; promote nation building and harmony and peace amongst people; promote the principles of co-operative governance in its interaction with all spheres of government and organs of state; and promote an efficient, effective and fair dispute resolution system and a fair system of administration of justice.

It may be argued that the Framework Act attempts to address the most pertinent issues affecting a large section of traditional leadership. At the same time, there are those sections within the traditional leadership circle who felt undermined by the democratically elected structures. This may be due to the fact that most traditional leaders believe that they were born to be leaders; therefore, there is no need for them to be formalised. In a democracy, not all community members are satisfied with the transformation, hence, there is often friction and resistance to change.

The roles and functions of traditional leadership are clearly defined in The Traditional Leadership and Governance Framework Act of 2003 (Sithole & Mbele, 2008:19). The role of traditional leaders today has been transformed and redefined by the Traditional Leadership and Governance Framework Act (Ntsebeza, 2003:23). This Act was promulgated in an attempt to recognise the diverse needs and aspirations of the South African population. The Act creates structures designed to permit those who live under traditional laws to influence the running of the country. It provides for a national house that is supported by provincial houses.

The Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003) emphasizes the commitment of government to address matters related to the institution of traditional leadership in South Africa. The importance of this legislative

framework lies in the specific approach that government should follow when dealing with traditional leadership. The TLGFA Act of 2003 (South Africa, 2003) specifically addresses the roles and responsibilities of traditional leadership. This Act is in line with Chapter 12 of the Constitution of the Republic of South Africa (Act 108 of 1996) which deals with matters pertaining to traditional leadership (Makinana, 2017:4). The National House of Traditional Leaders Act 1999 (Act No. 22 of 1999) is presented in the ensuing section.

2.3 NATIONAL HOUSE OF TRADITIONAL LEADERS ACT, 1999 (ACT NO.22 OF 1999)

The NHTLA (Act 10 of 1997) provides for the establishment of a National House of Traditional Leaders, and it states the objectives and functions of this body (Sithole & Mbele, 2008:18; Murray, 2004:5). According to Sithole and Mbhele (2008:18), the NHTLA (Act 10 of 1997) repealed the Council of Traditional Leaders Act of 1994. Section 2 of this Act provides for the establishment of the National House of Traditional Leaders, and it is stipulated that the National House shall consist of members nominated in accordance with Section 4 of the Act. Section 3 deals with the duration and dissolution of the National House of Traditional Leaders, and it specifies that the National House shall continue for five years after it has been constituted (Sithole & Mbhele, 2008:18).

Section 11(1) of the Act describes the powers and functions of traditional leaders as follows:

To cooperate with provincial houses of traditional leaders in promoting the role of traditional leadership within a democratic constitutional dispensation; nation building; peace, stability and cohesiveness of communities; the preservation of the moral fibre and regeneration of society; the preservation of the culture and traditions of communities; socio-economic development and service delivery; the social well-being and welfare of communities; and the transformation and adaptation of customary law and custom so as to comply with the provisions of the Bill of Rights in the Constitution, particularly by preventing unfair discrimination; and to enhance co-operation between the House and the various provincial houses with a view to addressing matters of common interest. The objectives of the National House are: to promote the role of traditional

leadership within a democratic constitutional dispensation; to enhance unity and understanding amongst traditional communities; and to enhance co-operation between the National House and various Provincial Houses with a view to addressing matters of common interest.

Khanyisa (2010:8) proposes that the duties and functions of the NHTL are:

- to promote the role of traditional leadership within a democratic constitutional system;
- to enhance unity and understanding among traditional communities;
- to enhance cooperation between the Council and the various Houses with a view to addressing matters of common interest;
- to advise the national government and make recommendations relating to traditional leadership, the role of traditional leaders, customary law, and the customs of communities observing a system of customary law.

The NHTLA (Act No.22 of 1999) places certain obligations on traditional leaders to perform their functions in accordance with the laws of the country. This Act compels traditional leaders to follow a specific approach to ensure quality service delivery at the local level.

In the following section, the Limpopo Traditional Leadership and Institutions Act of 2005 (Act 6 of 2005) is presented.

2.3.1 Limpopo Traditional Leadership and Institutions Act of 2005 (Act 6 of 2005)

Limpopo Province has a number of traditional institutional structures similar to those in Mpumalanga and KwaZulu-Natal (Reddy & Mkala, 2008:5). Section 7 of the Limpopo Houses of Traditional Leaders Act of 2005 (Act 6 of 2005) (South Africa, 2006) provides for the powers, functions and duties of the Provincial House: “to advise and make proposals to the Provincial Legislature on traditional councils, indigenous law, traditions or customs; to comment on any relevant Provincial Bill referred to it by the Speaker of the Provincial Government; the Provincial House must indicate within 30 days whether it supports or opposes the Bill; if the Bill is opposed, the Legislature cannot pass it before 30 days have lapsed from the date on which the Speaker had given notification; if the 30 days expire without any response from the Provincial House,

the Legislature may pass the Bill; the Provincial House may exercise other powers and perform other duties conferred or imposed by any relevant law”.

Chapter 3 of the Limpopo House of Traditional Leaders Act (Act 6 of 2005) has established six regions: Vhembe, Mopani, Sekhukhune, Capricorn, Waterberg and Bohlabela (which has since been transferred to Mpumalanga).

2.3.2 The Vhembe Local House of Traditional Leaders

The Vhembe Local House of Traditional Leaders is made up of 14 part-time members. The management is made up of the chairperson and the deputy chairperson.

2.3.3 The Mopani Local House of Traditional Leaders

The Mopani Local House of Traditional Leaders is comprised of 10 part-time members. The management is comprised of the chairperson and his deputy chairperson.

2.3.4 The Sekhukhune Local House of Traditional Leaders

The Sekhukhune Local House of Traditional Leaders is the biggest of the Houses, as it is composed of 20 members, all of whom are part-time members. The management is composed of the chairperson and the deputy chairperson.

2.3.5 The Capricorn Local House of Traditional Leaders

The Capricorn Local House of Traditional Leaders has 10 part-time members. The management is composed of the chairperson and the deputy chairperson.

2.3.6 The Waterberg Local House of Traditional Leaders

The Waterberg House of Traditional Leaders is made up of 9 members, all of whom are part-time members (Limpopo Houses of Traditional Leaders Act of 2005).

Therefore, in total, the province has 63 members in its House.

The Limpopo Traditional Leadership Institutions Act of 2005 (Act 6 of 2005) clearly prescribes the responsibilities of traditional leaders, when dealing with community members, as ensuring their safety and dignity as well as quality service delivery. It places certain obligations on the traditional leadership in various local houses of

traditional leadership in Limpopo. The following section presents a discussion of the Policy on Customary Practice of Initiation in South Africa.

2.4 DRAFT POLICY ON CUSTOMARY PRACTICE OF INITIATION SCHOOLS IN LIMPOPO (2015)

2.4.1 Background

The aim of the Draft Policy on Customary Practice of Initiation Schools in South Africa (South Africa, 2015) is to regulate traditional initiation schools. Initiation is a sacred and respected customary practice used as a rite of passage to adulthood (Munthali & Zulu, 2007:150). It partakes partly of a civil and partly of a religious character, and is practiced in respect of both males and females. As a civil rite, it introduces initiates into the state of adulthood. As a religious rite, it imposes upon them the responsibility of conforming to all the rites and ceremonies of their system of belief. The initiation rite is therefore an embodiment of the ideals, values and aspirations of both the individual and the community, reflected in the transfer of certain knowledge and practices during the rite.

Initiation is practiced by numerous communities , and it used to be practiced by certain Khoi-San communities (Munthali & Zulu, 2007:150). Khoi-San are not constituted as a traditional community. In the case of traditional communities, the practice usually takes place at initiation schools, while in the case of Khoi-San communities it primarily took place at the location of the specific community. Initiation practices may include teachings about culture and tradition, and the performance of many secret and sacred religious rituals. In some instances, initiation practices include circumcision. In South Africa, circumcision (both male and female) is strictly regulated by section 12 of the Children's Act, 2005 (Act No. 38 of 2005) (Munthali & Zulu, 2007:150). Within traditional communities, initiation is of particular importance in respect of the following:

- the promotion and enhancement of seniority in traditional leadership;
- the promotion and enhancement of seniority within the family;
- the promotion and enhancement of seniority within the community;
- the participation of the entire community in the process of initiation;
- the participation of the entire family (extended family as well) in the initiation process;

- the promotion of social cohesion;
- the teaching of respect; and
- the preservation of cultural, community and family values.

Furthermore, initiates are taught about traditional leadership genealogy, the genealogy of the family concerned and the values of the community. An important aspect is teachings relating to respect for others, thus providing a platform for appropriate relationships with other people and communities. It should be noted that although initiation has become a scarce practice within Khoi-San communities, it would seem that there has not been any reported case of abuse of Khoi-San initiation practices or initiates (Munthali & Zulu, 2007:150). In recent years, there have been frequent reports of abuse of the initiation practice in the media in South Africa. A more detailed discussion of initiation will be presented in the ensuing sections.

2.4.2 Problems associated with initiation practices

The practice of initiation amongst traditional communities and, more specifically, male initiation has been subject to abuse (Tau, 2015:1; Rijken, & Dakwa, 2013:2; Bogopa, 2007). In many instances it has resulted in the death of initiates and serious injuries (bodily harm). In the case of male initiation, this seems to be mainly due to one aspect of such initiation: circumcision. There seems to be either ineffective or insufficient legislation regulating initiation practices, or a disregard for the existing laws. Initiation schools generally not properly regulated and managed. Although there is often public reference to "illegal" initiation schools, the fact is that such schools cannot be regarded as "illegal" in the absence of legislation requiring that such schools be registered and comply with certain requirements. During consultations on the original version of this policy, a number of concerns were raised concerning the abuse of initiates and the abuse of the practice (Bogopa, 2007:14).

These concerns include the following:

- (a) The majority of injuries and fatalities that occur at initiation schools are due to the apparent incompetency of people who perform the circumcision ritual on male initiates.
- (b) In the context of male-circumcision and HIV and AIDS, there is a grave risk that the observance of the custom could be a breeding ground for the disease since it is alleged

that, in many instances, the surgical instrument is used on more than one boy at a time without it being sterilised.

(c) The existing health conditions of initiates are not taken into consideration. Modern medication is not allowed at initiation schools, which results in the deterioration of health conditions.

(d) Some initiation schools have been opened solely for personal financial gain, with initiates and their well-being considered as matters of lesser importance.

(e) In many instances, the general care provided to initiates is of poor quality. They are exposed to harsh environmental conditions with insufficient or poor shelter provided to them. There is also a lack of access to clean water and appropriate nutrition.

(g) There are allegations of drug and substance abuse at initiation schools.

While initiation schools are usually located in secluded areas so as not to compromise their operations and functionality, their remoteness and inaccessibility are major obstacles in cases of emergency (such as medical emergencies). The alternative, that is, the establishment of initiation schools in crowded urban areas without the authority of a traditional leader and with insufficient space for appropriate initiation activities seems to pose its own unique challenges. It is unacceptable that any person should die as a result of initiation practices.

2.4.3 Objectives of the Policy on Customary Practice of Initiation in South Africa

The main objectives of the policy are:

- (a) to protect, promote and regulate initiation and for this purpose,
 - to provide acceptable norms and standards; and
 - to provide for structures at the national and provincial levels with a view to ensure that initiation takes place in a controlled environment.
- (b) to provide for the protection of life, the prevention of injuries and the prevention of all forms of abuse experienced by initiates before, during and after initiation (physical and mental abuse). This principle underpins the entire process of initiation without any exception.

- (c) to provide for traditional leadership to accept responsibility for the practice of initiation within their communities, in partnership with government and all other role players.
- (d) to ensure that all role players accept accountability for their roles within an established governance framework.
- (e) to provide for arrangements in terms of which all activities relating to initiation are coordinated, monitored and evaluated in partnership with traditional leadership. To ensure that initiation is not exploited as a commercial enterprise used purely for personal enrichment.
- (g) to ensure that the teachings and rituals that are part of initiation are aimed at character building, the promotion of societal values and the sharing of constructive and factual information about sexuality, gender and reproduction, and ultimately to prepare the young people for adulthood (school of life).
- (h) to protect the customary practice of initiation and ensure that it is practiced within the Constitutional and other legal prescripts (South Africa, 2015).

2.4.4 Legal framework governing initiation schools

Section 31(1)(a) of the Constitution of the Republic of South Africa Act 108 of 1996 determines that persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community, to enjoy their culture, practice their religion and use their language. Section 28(1) (d) of the Constitution of the Republic of South Africa Act 108 of 1996 determines that every child has the right to be protected from maltreatment, neglect, abuse or degradation. Although the Constitution of the Republic of South Africa Act 108 of 1996 allows practices such as initiation, it also places an obligation on government to ensure that the rights of children are protected.

2.4.5 Children's Act, 2005 (Act No.38 of 2005)

The Act give effect to certain rights of children as contained in the Constitution. It deals with principles that relates to the care and protection of children. Moreover, it also define parental rights and responsibilities. The objects of this Act are –

- (a) to promote the preservation and strengthening of families;
- (b) to give effect to the following constitutional rights of children;
- (c) to give effect to the Republic's obligations concerning the well-being of children in terms of international instruments binding on the Republic;
- (d) to make provision for structures, services and means for promoting and monitoring the sound physical, psychological, intellectual, emotional and social development of children;
- (e) to strengthen and develop community structures which can assist in providing care and protection for children;
- (f) to protect children from discrimination, exploitation and any other physical, emotional or moral harm or hazards;
- (g) to provide care and protection to children who are in need of care and protection;
- (h) to recognise the special needs that children with disabilities may have; and
- (i) generally, to promote the protection, development and well-being of children.

2.4.6 National Health Act, 2003 (Act No.61 of 2003)

(a) Section 43(3)(a) of the National Health Act (South Africa, 2003) specifies that "the Minister may, in the interests of the health and wellbeing of persons attending an initiation school and subject to the provisions of any other law, prescribe conditions under which the circumcision of a person as part of an initiation ceremony may be carried out." Such conditions may, however, not be in conflict with section 12(8) of the Children's Act.

(b) In section 43(3)(b)(i) an "initiation school" is defined as "any place at which one or more persons are circumcised as part of an initiation ceremony". This definition is limiting initiation to only one aspect thereof (circumcision) and, consequently, also limits it to male initiation. This definition may have to be amended.

(c) The Health Professions Council of South Africa (HPCSA) issued guidelines in 2007 which focus only on consent, in general, and not on circumcision, specifically. It is indicated that in cases where a child is of insufficient maturity, or unable, to understand the implications of a decision, or if the treatment is urgent or life-threatening, older people may make a decision on behalf of the child. This seems to include circumcision for medical reasons.

(d) The National Health Act and the HPCSA guidelines therefore focus on specific health aspects relevant to initiation (in particular, male circumcision) and do not deal with any other aspects of the practice.

2.4.7 Liquor Act, 2003 (Act No.59 of 2003)

(a) It has been reported that liquor is used (and sometimes abused) at some initiation schools. It would seem that persons involved in initiation practices may not be aware that the Liquor Act has specific provisions dealing with the use of liquor by minors.

(b) Section 10(1) of the Liquor Act determines that "a person must not sell or supply liquor or methylated spirits to a minor. Subsection (2) determines that "the parent, adult guardian of a minor or a person responsible for administering a religious sacrament, may on occasion supply to that minor a moderate quantity of liquor to be consumed by the minor in the presence and under the supervision of that parent, guardian or other person." The definition of "liquor" in section 1 of the Act includes "beer or traditional African beer".

(c) Sections 34(1) and 35(1) of the Act make the contravention of section 10 a serious offence, for which a fine of up to R1 million or imprisonment of up to five years may be imposed.

(d) The provisions of this Act may have serious consequences for any person who provides alcohol (including traditional African beer) to a minor who attends an initiation school (South Africa, 2004).

The principals, care-givers and other persons involved in conducting initiation schools may not even be aware of these provisions. Even though some people may argue that if alcohol is provided to initiates during initiation it is done as part of a religious sacrament, it could be difficult to convince the authorities because initiation is generally and widely regarded as a cultural practice. Not all initiates are necessarily religious and, therefore, it may not be easy to justify the use of alcohol as being part of a religious sacrament. One will then have to distinguish between individuals attending the same initiation school. Furthermore, when alcohol is used as part of a religious sacrament, it must be a moderate quantity (which is unfortunately not defined, but

would most probably have to be guided by the quantity provided at a religious sacrament such as Holy Communion).

2.4.8 Traditional Health Practitioners Act, 2007 (Act No.22 of 2007)

- (a) This Act does not contain any provisions relating to initiation or circumcision.
- (b) The Act does, however, contain important provisions relating to the registration of traditional surgeons; these have however not yet been operationalised. It is important that these provisions be applied as soon as possible since any interim measure to register and manage traditional surgeons without a legal basis may prove to be difficult, and the enforceability thereof could be challenged (South Africa, 2008).

2.4.9 Limpopo Initiation School Bill, 2014

The main objective of the Bill is to regulate initiation school customs and traditional communities in the province. In addition, this Act gives effect to customary and cultural practices and rituals of traditional communities, as enshrined in section 31 of the Constitution, and is to repeal the Limpopo Circumcision Schools Act, 1996 (Act No. 6 of 1996) (South Africa, 2014) and to provide for matters connected therewith.

The Limpopo Initiation School Bill, 2014 has been developed in line with Chapter 12, section 211 of the Constitution of the Republic of South Africa 1996 (the Constitution) and other applicable legislation. Section 211 (1) of the Constitution provides for the recognition of a system of customary law and the observance of customary practices including the institution of initiation schools (South Africa, 2014).

2.4.10 Procedure for permit to hold initiation school

In terms of this Bill, a traditional leader must apply to the relevant district office of the department responsible for traditional affairs, in the prescribed format, for a permit to hold an initiation school. Such application must be accompanied by –

- (a) documents as prescribed;
- (b) proof that the application fees are paid;
- (c) a certificate by an environmental officer; and
- (d) a certificate by a health practitioner.

A committee comprised of members of the Local House and the authorised officer must, within the prescribed period, scrutinise the application for compliance with the requirements. If the committee is satisfied that the application meets the requirements, the committee must, within the prescribed period, submit the application together with the committee's recommendations to the MEC. Where an application does not meet the requirements, the committee must, within the prescribed period, refer that application to the applicant, directing the applicant to supplement or remedy the defective application within the prescribed period from the date of referral. If the applicant fails to comply, the committee must refer the application to the MEC for a decision (South Africa, 2014).

2.4.11 Inspection of the site

The authorised officer may inspect the site to which the permit relates. Where an authorised officer conducts the inspection, the authorised officer must furnish a report to the MEC regarding the suitability of the site (South Africa, 2015).

2.4.12 Powers of MEC

The MEC must consider the application in terms of section 3 of the Policy on the Customary Practice of Initiation School in South Africa, 2015 and the site inspection report in terms of section (4) and may –

- (a) grant the permit on such conditions as the MEC may determine; or
- (b) refuse the permit. Where the MEC rejects the application for the permit, the MEC must furnish written reasons for the decision. The MEC may, at any time, on reasonable grounds, amend, suspend or revoke a permit (South Africa, 2015).

2.4.13 Appeal procedure

In terms of section 6, an applicant who is aggrieved by a decision of the MEC may, within the prescribed period of being served with a notice of the decision of the MEC, lodge an appeal with the Premier. The Premier may, if good cause has been shown, condone the late lodging of an appeal. An appeal must include the following:

- (c) a copy of the application to hold an initiation school;
- (d) a written statement on the grounds of appeal;

- (e) the notice sent to the applicant by the MEC in terms of Section 5(1)(b); and
- (f) any other information which is relevant to the appeal (South Africa, 2015).

2.4.14 Hearing of Appeal

The Premier must constitute an appeal by appointing a competent person, with knowledge of traditional rituals or the law, to consider the appeal within the prescribed period and make recommendations to the Premier (Section 7).

The Premier –

- (a) may confirm, set aside or amend a decision of the MEC; and
- (b) must, in writing, notify the applicant and the MEC of the decision (South Africa, 2015).

2.4.15 Closing down of initiation school

The MEC may, where necessary, through the assistance of law enforcement agencies –

- (a) close down an initiation school operating without a permit or operating in contravention of the conditions imposed in the permit;
- (b) transfer the initiates to an authorised initiation school; or
- (c) make such arrangements as may be appropriate to take care of the initiates.

Where the MEC, on reasonable grounds, believes that the initiation school is not being conducted properly, or that an initiate's health is in jeopardy, the MEC may order the immediate closing down of that initiation school and ensure that initiates in need of medical care are provided with the necessary medical treatment (South Africa, 2015).

2.4.16 Prohibition of holding initiation school without permit (Section 9)

No person may hold an initiation school –

- (a) without a valid permit issued in terms of section 5(1)(a);
- (b) which contravenes a condition imposed in a permit (South Africa, 2015).

2.4.17 Inspection and submission of reports (Section 10)

The MEC may, in consultation with the MEC responsible for health matters in the province and the Provincial House, designate a person in the employ of the public service and who has previously graduated from an initiation school, to conduct an inspection at any initiation school being held within the Province in order to ensure that such a school is being conducted in full compliance with this Act.

Section (2), where the MEC has reason to believe that –

- (a) a transgression, maltreatment, overcrowding or any other similar deed is occurring at an initiation school; or
- (b) conditions prevailing in the area in which an initiation school is being held are detrimental to the health or well-being of the initiates, the MEC may, after consultation with the Provincial House and the MEC responsible for health matters in the province, cause the matter to be investigated.

Section (3), after receiving the investigation report, the MEC may take such steps as the MEC deems necessary to address the matter.

Section (4), the permit holder must duly record in a register, and report to the MEC, the full personal particulars of all initiates.

Section (5), the permit holder must immediately report to the Provincial House, the MEC and the SAPS, the personal particulars of initiates who die at the initiation school, and the corrective measures put in place to avoid recurrence of such deaths.

Section (6), at the completion of the initiation school, the permit holder must submit a complete report, in the prescribed format , to the MEC (South Africa, 2015).

2.4.18 Prohibition against abduction (Section 11)

No person may abduct, force, coerce or compel another to attend an initiation school or be subjected to any activity taking place at such initiation school. The MEC must, as soon as he/she becomes aware that a person has been abducted, forced, coerced or compelled to attend an initiation school, order the permit holder to immediately release that person and report the matter to the South African Police Service (South Africa, 2015).

2.4.19 Permission to attend initiation school (Section 12)

(1) No child under the age of 12 years must be admitted to an initiation school for circumcision.

(2) A minor may not attend an initiation school for circumcision without his or her parents' or legal guardian's written consent in the prescribed format.

(3) A person above the age of 18 may voluntarily enrol at an initiation school for circumcision.

(4) The initiates referred to in subsection (2) and (3) must, when applying to attend initiation school for circumcision, attach a medical certificate issued by a medical practitioner certifying that such initiate is medically fit to undergo the circumcision procedure in accordance with the traditional practices and rituals of that particular traditional community.

(5) Any person over the age of 12 and under the age of 18, who enrolls himself at an initiation school for circumcision without the written consent of his or her parent or legal guardian, must not undergo initiation rituals or be circumcised until the traditional leader in charge and the permit holder have been notified, and obtain a medical certificate referred to in subsection (4), and the written consent of the parent or legal guardian as contemplated in subsection (2).

(6) No permit holder may admit an initiate referred to in -

(a) Sub-section (2) to the initiation school without the required medical certificate or permission;

(b) Sub-section (3) without the required medical certificate, referred to in this section.

The following section of this chapter presents the functions of the key role players in Initiation School matters (South Africa, 2015).

2.5 KEY ROLE PLAYERS

To ensure that the practice of initiation is managed appropriately and successfully, it is of utmost importance that the key role players are fully aware of, understand and accept their roles, duties, responsibilities and rights. These roles are presented in the discussions to follow.

2.5.1 Government

Government have a responsibility to ensure the safety of its citizens. In addition, governments have to ensure that policies governing traditional affairs are closely monitored to ensure the safety of all its citizens, including the lives of initiates. Any harmful customary practice must be dealt with in accordance with the law. Different spheres of government have unique role to play, as outlined below.

(a) National, provincial and local government have to protect, promote and govern the customary practice of initiation. National government has to provide norms and standards through appropriate policies and legislation. Provincial and local government must ensure that provincial legislation and municipal by-laws are aligned with the national norms and standards. All such policies and laws must be guided by the Constitution (1996) and must take the existing laws that deal with initiation or certain aspects of initiation into consideration.

(b) National, provincial and local government must promote partnerships with traditional leaders to ensure that the practice of initiation complies with the prescribed requirements, and is managed effectively. Furthermore, local government has to engage traditional leaders with a view to include initiation as an integral part of municipal plans, especially for the purpose of designating appropriate and accessible land for initiation schools.

(c) National government has to establish a National Initiation Oversight Committee, as contemplated in this policy, and provincial governments have to establish Provincial Initiation Coordinating Committees as contemplated in this policy.

(d) National and provincial governments may determine reasonable fees for conducting an initiation school and for participating in initiation.

(e) National, provincial and local governments must ensure that all initiation practices comply with the relevant legal prescripts and they have to enforce the application of such laws.

(f) National, provincial and local governments must, especially for the purposes stated in paragraph (e), embark on awareness campaigns to ensure that all persons involved in initiation practices are aware of the relevant legislation (South Africa, 2014).

2.5.2 House of traditional leaders

House of traditional leaders have limited powers and roles in terms of the enforcement of laws. This limited powers were clarified by some participants during individual and focus group interviews. The following section discusses the role of the house of traditional leaders.

(a) The National House of Traditional Leaders and all provincial houses of traditional leaders have to -

- (i) perform the functions and duties assigned to them in the House of Traditional Leaders policy;

- (ii) ensure that initiation is practised in terms of customs but also subject to any relevant legal prescripts; and

- (iii) promote cooperation between traditional leadership and government.

(b) The National House must, after consultation with all provincial houses, draft guidelines

- (i) for the purposes of the screening of principals, traditional surgeons and care-givers as contemplated in paragraph 7.3(b) and (c) of this policy; on how the rights of parents or customary or legal guardians of initiates (with special emphasis on the rights of the mother or female guardian of such initiate) can be guaranteed and improved during the initiation period;

- (iii) relating to the protection of an initiate's health and life; and

- (iv) relating to discipline at initiation schools.

(c) The National House may, on request of a Provincial Initiation Schools Committee (PICC), and after consultation with any relevant role player, develop training manuals as contemplated in paragraph 8.3(c) of this policy (South Africa, 2015).

2.5.3 Traditional leaders

The following section outlines the role of traditional leaders. Traditional leaders are the eyes and ears of government.

(a) The main responsibilities of traditional leaders are -

- to protect and promote the customary practice of initiation;
- to ensure that initiation does not have any adverse effect on the health or lives of initiates;
- to accept overall responsibility for initiation practices and initiation schools within the area of jurisdiction of their traditional councils;
- to conduct regular inspections of the initiation schools within the area of jurisdiction of such traditional councils; and
- to assist government in all efforts aimed at addressing the challenges experienced in relation to initiation.

(b) Traditional leaders have to screen the principals of initiation schools, traditional surgeons and care-givers in accordance with the guidelines developed by the National House, as contemplated in paragraph 7.2(b) of this policy, before such principals, traditional surgeons or care-givers will be allowed to participate in initiation practices and schools.

(c) Subsequent to the screening process referred to in paragraph (b), traditional leaders have to confirm who the legitimate care-givers are and for which initiate or initiates they will be responsible. The details of such care-givers must be submitted by the relevant traditional leader to the envisaged PICC.

(d) Traditional leaders may delegate specific responsibilities, amongst themselves, in respect of the various initiation practices and activities.

(e) Traditional leaders, furthermore, have to promote compliance with any relevant code of conduct (South Africa, 2015).

2.5.4 Care-givers

Care-givers performs a very important role because they are the ones who ensure the well-being of initiates who often experience various challenges thereafter.

(a) A care-giver is subject to the screening process referred to in paragraph 7.3 of this policy.

(b) A care-giver is accountable for the well-being of any initiate for whom he or she has been made responsible and must

(i) be at least 21 years old;

(ii) have no history or record of criminal conviction of any kind, most importantly, no history or criminal record related to the abuse of children, violent actions or conduct against others; have no history of substance abuse; and must instil discipline amongst the initiates under their guardianship;

(iii) conduct themselves in a manner fit for a tutor of life; and

(iv) provide the family or customary or legal guardian of the initiate or initiates with health reports within the timeframes agreed upon between such care-giver and the relevant family or guardian.

(c) In the case of male initiation practices, where circumcision is part of the process, the care-givers should preferably be males who themselves have been subjected to initiation and circumcision (therefore persons who have knowledge of all aspects of initiation and, in this case, male initiation), and must

(i) have proven experience in respect of wound management and the application of acceptable hygienic standards;

(ii) take precautionary measures to ensure the speedy recovery of initiates after circumcision; and stay with the relevant initiate or initiates until they are properly healed (South Africa, 2015).

2.5.5 Family

Family support is crucial before and after the initiation school period. Initiates experience transition and require these support until they can take care of themselves, as outlined below.

(a) The family of an initiate has to ensure that the child is psychologically and physically fit to undergo initiation. For this purpose, the family has to take the child to a qualified medical practitioner for the necessary medical tests, and to acquire a medical certificate of fitness, before the child can attend an initiation school. This certificate must be handed to the principal of the initiation school. The family must also disclose

whether the child is on medication in order for the care-giver to make sure that the child takes his or her medication, as prescribed;

(b) The family has to satisfy itself that all the persons involved in the management or administration of the relevant initiation school and the initiation processes, or any part thereof, have reliable track records in respect of initiation; the family must also be assured that they are known by the relevant royal families and/or traditional leaders residing within the community.

2.5.6 Role of Department of Health

The MEC responsible for health matters in the province must, through specific programmes, assist initiates to obtain the necessary medical certificates in terms of this Act (Act No. 22 of 2009).

2.5.7 Persons who may perform initiation rituals

Traditional surgeons are supposed to be well-respected and experienced persons with a good track record. Usually, the community, through the traditional leaders select these traditional surgeons. The same cannot be said, with regard to illegal initiation schools.

(1) Only a person who has graduated from an initiation school, or a person registered in the prescribed manner as a circumcision surgeon in the register of surgeons, may perform initiation rituals and circumcise an initiate.

(2) In performing traditional rituals, the person referred to in subsection (1) must provide care and observe due diligence, and maintain prescribed health standards.

(3) The Provincial House must establish and maintain a register of circumcision surgeons in the prescribed manner.

(4) The permit holder is responsible for the care, safety and well-being of the initiates (South Africa, 2015). The following section presents details with regard to dates of initiation school. This period is always set during school holidays to ensure that academic processes are not jeopardized. Traditional leaders as well as other role players are consulted before such date is set.

2.5.8 Date of initiation school

Traditional leaders normally schedule traditional initiation school during school holidays. In Limpopo, traditional initiation school only take place during winter.

(1) The MEC must, subject to subsection (2), and in consultation with the Member of the Executive Council responsible for education matters, determine the dates on which the initiation schools operate.

(2) The dates selected for the initiation school must not conflict with the academic school calendar (South Africa, 2015).

2.5.9 Offences

A person who contravenes the provisions of section 9, 11(1), 12(1), (2), (6) and 14 (1), (2) or (4) commits an offence and is liable, on conviction, to pay a fine or a period of imprisonment not exceeding five years, or to both such fine and imprisonment not exceeding five years (South Africa, 2015).

2.5.10 Guidelines and criteria for identification and development of sites

Identification of potential initiation sites, and the development thereof, should be in accordance with the criteria outlined below:

Dedicated initiation sites should be utilised in an environmentally sensitive and sustainable manner. Initiation sites should, ideally, meet the following requirements:

- The land should be owned by one of the three spheres of government;
- A sensitive level agreement for the management and operation of the site should be drawn up and signed between the landowner and a recognised community organisation;
- A site development plan should be drawn up for each initiation site. This plan should address the location of facilities on the site, parking and access, long-term landscape management and site security; and
- Health and sanitation-related issues including the provision of fresh water, showers and toilets should be considered; and
- The removal of waste and fire safety should be addressed (South Africa, 2015).

2.5.11 Minimum requirements for the phases of initiation

The management of initiation has three phases, each one of which must be observed (South Africa, 2015). The following section presents the three phases traditional initiation school.

(a) Pre-initiation

The preparation phase enables families and communities to prepare, advise and decide on initiation. This entails the following:

- Signed proof of consent from the parents or legal guardian of any prospective initiate under the age of 21 must be presented to the medical officer before the medical check-up is undertaken;
- Prospective initiates must undergo a medical check-up two months before the initiation time in order to identify any potential health complications that may develop during initiation. This is done at local clinics and health institutions;
- A certificate will be issued by the medical officer to the initiate and his family to identify any special needs that the prospective initiate may have; and
- The family and/or a representative will register the prospective initiate with the relevant forum and/or ward councillor who will advise the family regarding the site where initiation will take place as well as the date.

(b) During initiation

This phase ensures the health and well-being of the initiate and emphasises the following:

- A traditional surgeon must use a sterilised instrument for circumcision;
- A surgeon may not use the same instrument on more than one initiate;
- The instrument to be used for circumcision must be approved by the initiate's guardian before it is used;
- Trained monitors who are familiar with the practice will periodically visit the sites to assess the health and welfare of the initiates, as well as hygiene and environmental health at the site. Any issues of concern will be raised with the community structure and the local health institution;
- Such concerns will be addressed at the local level, where possible, and will be recorded by the local medical institution;

- A medical officer who is familiar with the initiation practice will be called should any complications arise; he will then make an appropriate decision, based on his assessment. A report will be lodged with the relevant local health institution. No person other than a trained carer may treat an initiate;
- A trained carer will be appointed for the initiate and no carer will take care of more than five initiates at a time during an initiation;
- A carer must ensure that the initiates in his care are not exposed to the elements and/or extreme cold or dehydration, especially during the first days of the initiate's confinement.

(c) Post initiation

Initiates, who, for various reasons, are released from the initiation school before being completely healed, will be treated at local medical institutions. Medical personnel must take care to ensure confidentiality during the treatment process.

The National House of Traditional Leadership Act, 1999 (Act No.22 of 1999) places certain obligations on various role players to ensure that customs and traditions are placed within the confines of the law. This Act compels traditional leaders and community members to follow a specific approach towards ensuring care and protection for the lives of children who often fall victim to abuse, and sometimes die, as a result of the practice of traditional initiation schools.

2.6 MORE POWER FOR TRADITIONAL LEADERS (CHIEFS)

According to Makinana (2017:19), traditional leaders want to be at the centre of law-making in Parliament, and the governing ANC seems to be entertaining their call. Makinana argues that traditional leaders (chiefs) approached the ruling party and proposed that they wish to take part in the NCOP, as part-time delegates. It appears that their demands are being attended to by the ruling party ahead of its policy conference in June 2017. Among other things, one of the traditional leaders' demands is for amendments to be made to Chapters 7 and 12 of the Constitution.

Chapter 7 deals with local government, while Chapter 12 deals with traditional leadership. When one looks at the Constitution, traditional leaders are within their right to have their aspirations met. In this respect, their demands are legitimate. According to Inkosi Sipho Mahlangu (2016), deputy chairperson of the National House of

Traditional Leaders, a balance should be found between recognising traditional practices and their compliance with the basic tenets of the Constitution. According to Inkosi Mahlangu, the proposal for chiefs to participate in the NCOP is a matter of on-going discussion with the governing party. Mahlangu added that traditional leaders are seeking its urgent resolution.

In contrast, the DA has rejected the idea. Kevin Mileham, the party's shadow minister on cooperative governance and traditional affairs, said this was a constitutional issue as the structure of the NCOP was defined in the Constitution, and any change would require a constitutional amendment. Mileham asserted that "this country has a democratic Parliament which represents the will of the people, and traditional leaders – by definition – are undemocratically appointed. They are hereditary. It is a [system] based on patronage." Further, "Traditional leaders have representation through the houses of traditional leaders in municipal councils, where they observe but cannot vote". (Makinana, 2017:19). It remains to be seen how this issue is going to be addressed going forward.

2.7 SUMMARY

The role of the traditional leader has become clearer through recent legislation, especially the National Traditional Leadership and Governance Framework Act (Act 41 of 2003). However, government still has a mammoth task ahead of it, that is, the incorporation of traditional leaders into government. At the heart of this conflict lies the fact that the provisions for traditional leaders overlap with those of elected local government officials (Sithole & Mbele 2008:44). This chapter investigated the legislation that governs traditional leadership: the Interim Constitution of 1993; the Constitution of the Republic of 1996; The White Paper on Traditional Leadership and Governance, 2003; the Traditional Leadership Governance and Framework Act, 2003 (Act No.43 of 2003); the National House of Traditional Leaders Act, 1999 (Act No.22 of 1999); the Limpopo Traditional Leadership Institutions Act of 2005 (Act 6 of 2005) as well as various local houses of traditional leaders; and the Draft Policy on Customary Practice of Initiation of South Africa. These legal and/or legislative frameworks have either a direct or indirect influence on the institution of traditional leadership. The evolution of traditional leadership in Africa is presented in the next chapter.

CHAPTER 3: THE EVOLUTION OF TRADITIONAL LEADERSHIP IN AFRICA

3.1 INTRODUCTION

The institution of traditional leadership in Africa has been in existence for a very long time. Tlhoale (2012) believe that customary institutions such as traditional leadership, and the traditional leaders that uphold them, have a stabilizing influence. These observers are of the opinion that South Africa is as rich in institutions with indigenous roots which are founded on customary practice as many other African countries. However, the traditional leadership institution in South Africa, the Chieftaincy in particular, is believed to be tainted by its association with the apartheid regime (Tlhoale (2012). As a result, the chiefs they were estranged from their people as they allegedly became increasingly indebted to the South African government.

On the contrary, Ntsebeza (2004) believe that traditional leadership institutions played, and continue to play, an important role in the governance and development of communities, particularly, in rural areas. Ntsebeza further argues that rural communities knew no other form of governance, or authority, except traditional authorities. Opponents of traditional leadership argue that traditional leadership is a regressive step that undermines progress towards democratic consolidation.

Traditional leadership practices in South Africa have gone through various stages of transformation since the dawn of democracy. The Constitution of the Republic of South Africa Act 108 of 1996 recognises the rich diversity within societies, particularly, indigenous knowledge systems in general and traditional authorities in particular. Traditional leadership structures and institutions are recognised as an indigenous legal system which represents a large section of society, especially in the rural setting.

Traditional leadership in Africa possessed and continues to possess significant power, and is instrumental in the development of communities under the rule of traditional leaders. In the Tsonga tradition, all matters were settled in a village court known as *Khorho in Xitsonga*. *Khorho* used to take place under a tree at a chief's or an induna².

² Induna refers to a tribal councillor or headman (under the king).

It was known as a community parliament as all matters were decided based on the consensus reached by the majority of the participants. When colonialists attempted to introduce a form of democratic or modern authority amongst traditional leadership, there was massive resistance which often resulted in the deposition of some of the traditional leadership. In South Africa, a Commission of inquiry headed by Nhlapo partly managed to restore some of the traditional leadership, while others were given to the wrong people for a variety of reasons. Tsonga people still await the restoration of Tsonga/Machangana Kingship.

This chapter presents the evolution of traditional leadership in Africa, in general, and in South Africa during the pre-colonial, colonial, apartheid and post-colonial or democratic dispensations.

3.2 OVERVIEW OF TRADITIONAL LEADERSHIP IN AN AFRICAN CONTEXT

According to Dipholo, Mafema and Tshishonga (2011:1), the governance of rural communities in Africa has been associated with traditional leadership. These authors argue that traditional leadership has been instrumental in protecting and preserving customs and cultures. In addition, traditional leadership also played a significant role in protecting African tradition from Western influence. However, on the one hand, some authors, such as Reddy and Mkala (2008:3), are of the opinion that traditional leadership has to change or move with the times, lest they become irrelevant. What these authors fail to mention is that, when the colonialists came into Africa, there was an attempt to impose their colonial ideologies on African leadership, and to discourage the traditional leadership from maintaining their culture, as it was seen as backward (Reddy and Mkala (2008:3). Redy and Mkala further argue that the colonial and apartheid administrations stripped the traditional leadership of their roles, responsibilities and their dignity. On the other hand, there are those who claim that traditional leaders are responsible for the lack of development within communities as they resisted the attempts made by colonialists to assist the traditional leadership to move out of stagnation, due to resistance to change. They claim that the traditional leadership hindered and continues to hinder development brought about by democracy. The institution of traditional leadership is not only recognised in South Africa, but it is also recognised in other African countries such as Ghana, Kenya, Zimbabwe, Namibia and Botswana, to name a few.

3.2.1 Traditional leadership in South Africa in the pre-colonial era

The pre-colonial conception of Chieftdom consisted of a mobile group, with no fixed or permanent territorial boundaries, that followed a particular Chief (Nelson, 2006:1). Nelson (2006:1) posits that the pre-colonial traditional hierarchy consisted of a Chief, a Paramount Chief, King or Chiefs. Below them were Headmen, who were normally the representatives of leading families. Headmen were responsible for defined geographical areas and reported to the Chief. The Chief, together with the Headmen, constituted a Council. Below the Chief and Headmen were family or kraal heads (Nelson, 2006:1). Furthermore, the Chief's role was to adjudicate disputes fairly, and to provide for the well-being of his people. The Chief was vested with secular powers and was also granted certain privileges that he was entitled to exercise. In addition, the Chief was viewed by his people as being possessed of spiritual powers that enabled him to act, *inter alia*, as a conduit between his people and the ancestors (Bennett, 1994:122; Beall, Mkhize & Vawda, 2004:1).

3.2.2 The evolving institution of Chieftaincy in South Africa

Beall, Mkhize and Vawda (2004:3) observe that Chieftaincy in Africa operated on principles that were contrary to democratic ideals. They argue that, selection for the office of chief was not by popular vote; it was hereditary and for life. In addition, it was a hierarchical and patriarchal system, meaning that women were excluded from the process. The Institution of Traditional Leadership in Africa depended entirely on the government of the day for resources and recognition, leading to awkward lines of upward accountability (Beall, Mkhize & Vawda, 2004:3). Arguably, the institution of traditional leadership, Chieftainship in particular, has endured hardships over the years. The resilience of the institution of chieftaincy across the continent bears the battle scars of having to adapt to survive. This is as true for South Africa as elsewhere.

Similarly, Bennett (1994:123) agrees that the selection of a Chief was rooted in ancestry. Traditional Leaders were born into the role rather than selected and trained for it. Traditional leadership structures were not subject to any form of separation of powers, and the only limitations on the powers of the Chief were that he was required to consult with his councillors on certain matters, and that he was always required to

act for the benefit of his people (Bennett, 1994:122). Potential challenges to the office of the Chief also acted as an incentive to ensure that Chiefs acted appropriately (Bennett, 1994:124). Sadly, colonial powers viewed the traditional leadership structures from a western perspective and determined that they were autocratic. Consequently, they acted paternalistically to save the “natives” from themselves and eliminated traditional government. They substituted their own leadership for traditional leadership and imposed it on the local inhabitants.

The institution of traditional leadership during the pre-colonial era already occupied an important place in African life and in the body politic of South Africa. It embodied the preservation of the culture, traditions, customs and values of the African people. It represented early forms of societal organisation and governance (White Paper on Local Government, 1998; Government Gazette, 25438:20). In Africa and South Africa, in particular, early systems of governance were characterised by the rule of traditional leadership.. Traditional leaders and institutions dealt with a wide range of issues relating to their communities. A King or Chief was regarded as the father figure or head of the community or tribe. The Chief was responsible for the welfare of his people, including peaceful and harmonious co-existence, dispute resolution, as well as the promotion of agriculture and indigenous knowledge systems (Mahlangeni, 2005:16).

During the pre-colonial era, traditional leadership was the only institutional authority known to rural communities. The traditional leaders, the King or Chief in particular, were vested with all powers. Research shows that, in terms of African tradition, leadership is not subject to the electoral system or processes, but it was and continues to be hereditary. Women were excluded from succession to traditional leadership. In contrast, public officials or representatives, such as councillors, are elected into office for a particular timeframe (Guideline Document on the Roles and Responsibilities of Councillors, Political Structures and Officials, 2011:1).

3.2.3 Succession and roles of traditional leadership in South Africa

According to Ayittey (1991:43), a number of factors were considered before qualifying for succession. For instance, firstly, the traditional leader’s eldest son could not assume a leadership position if he was found to be mentally unfit or otherwise. Secondly, the traditional leader’s eldest son could be prohibited from inheriting a leadership position if there has been questionable conduct on his part. Traditional leaders, such as Chiefs

and Headmen, used to govern specifically defined geographical areas and there was no confusion regarding their roles and responsibilities. Furthermore, the hierarchy consisted of the King, Paramount Chief, Chief Headmen and/or Indunas, forming a Council. Below the Chief and the Headmen were family or kraal heads (Ayittey, 1991:44). As previously indicated, the roles of each of these traditional leaders were clearly defined. For instance, the role of the Chief would be to handle disputes in the community and to ensure the well-being of the subjects under his rule, among other things. In some communities, the traditional leader would be accorded a position with specific powers and privileges. Bennet (2004:104) indicates that some of these traditional leaders were revered in such a manner that they were thought to possess spiritual powers and were regarded as the link between community members and the ancestors. Bennet (2004:23) argues that these traditional leaders were compelled to exhibit an appropriate character. According to Nicholson (2003:3), traditional leadership structures were viewed by the colonialists as backwards and undemocratic. As a result, the colonialists were determined to replace this institution with what they regarded as democratic. This so-called democratic process was actually forced or imposed upon the traditional leadership, which resulted in conflict.

Cultural practices, the promotion of self-discipline, the celebration of man/womanhood - such as initiation/circumcision - played a major role in ensuring healthy communities, which were materially and spiritually prosperous (Matsila, 2016:1). In addition, the system of traditional leadership was based on a hierarchy that recognises the separate but interconnected roles of the elderly, adults and youngsters in society. As indicated, the colonialists were determined to impose political structures which sought to replace traditional leadership.

3.2.4 Traditional leadership in South Africa during the colonial period

African people have lived under traditional institutions or authorities for centuries (Holomisa, 2004). Communities in South Africa did not know any other kind of authority until the colonialists arrived. Holomisa further argues that traditional leaders were not elected to their positions but were born into positions of leadership. It was known in advance, in the family within the community, as to who the successor to the chieftainship or throne would be. Normally, the eldest son was a definite successor unless there were compelling reasons as to why the eldest son would not take over

from his father's reign. The traditional leadership commanded immense respect from community members and their decisions were final. The main role of traditional leaders was to ensure the well-being of their communities. Among other authority assigned to traditional leaders, they were responsible for allocating both residential and commercial land.

According to Houston and Fikeni (1996:3), the duties of traditional leaders were as follows:

- Processing of social security benefits;
- Promotion of education, also involved in the maintenance of schools;
- Allocation of land held in the their trust; the preservation of law and order;
- The provision and administration of services at the local government level.

Houton and Fiken (1996:4) further argues that one of the main objectives was apartheid government was to weaken the institution of traditional leadership by removing those who were opposing the apartheid system. Many traditional leaders who resisted the colonial system were forcefully removed from their positions. Only those traditional leaders who complied with orders from the political system at the time would be afforded privileges, as they were seen as an extension of the government of the day.

The arrival of colonialists in South Africa affected the institution of traditional leadership in various ways. The governor-general was introduced as the supreme chief, and black people were also dispossessed of their land, in accordance with the Black Administrative Act of 1927 (Khunou, 2011:1).

The majority of African people, during the colonial period, depended on the land for survival. However, they were denied this precious commodity as the settlers took this right, using the 1913 Land Act (Mahlanganeni, 2005:17). Mahlangeni (2005:17) argues that African people used to live peacefully and harmoniously until the Dutch settlers arrived. In addition, great kings like Soshangana, Ngungunyane, Makhado and others are known to have liberated their people, and were regarded to have sole political power at the time (Khanyisa, 2010). However, when the colonialists arrived, they were determined to remove some of the traditional leadership and impose their concept of 'western civilization' onto the colonised African subjects. Anything African was seen as

barbaric and backwards, or even regarded as uncivilized. Traditional leadership somehow managed to remain resilient and survived the onslaught unleashed on their system of leadership and culture (Khunou, 2011:3).

Research shows that the authority of African traditional leadership was negatively impacted by the meddling of the colonialists in their culture and tradition. The foundations and the pillars of the institution of African Traditional Leadership were shaken, and were left at the mercy of the colonialists (Mahlangeni, 2005:26). As a result, most African tribes lost their pride and identity, as the colonialists made it a point to limit or reduce their powers. Clashes over land and territory are well documented in history books the world over, despite distortion in certain instances.

Legislative measures to change the roles and powers of traditional leadership were passed by the South African government over the years since colonialism. The Black Administration Act 38 of 1927 is one example of the extent to which the then government went in order to have control over traditional leaders in South Africa (Hugh, 2004:16). While the colonial and post-colonial governments recognised the institution of traditional leadership, they made sure that their powers and roles were kept in check, through the use of legislation such as the Black Administration Act 38 of 1927 (Hugh, 2004:16; Khunou, 2011:84). The governor-generals were instrumental in defining the power of the tribe, the area of the tribe and/or to introduce new tribes. Traditional leaders were given unclear roles and positions, and were expected to report to a political leader; some traditional leaders rejected this and had to face the consequences of said rejection, or were removed from their positions. Those who were seen to be complying with the instructions of the colonial masters were given homelands, or so-called 'self-governing' territories, to lead.

3.2.5 The imposition of colonial political structures

European traditions are known to have been imposed on Africans over many years. This was intended to change, or distort, African ideologies that the Europeans viewed by as backwards or barbaric (Taylor, 1995). Whether or not one ascribes to the views espoused by Taylor, there can be no question that parallels between African and colonial, social, economic and political structures were encouraged where they had previously been absent. These social, economic and political parallels were then

embedded in legislation, thus becoming rigid and inflexible. Nelson (2006:3) is of the view that the purpose of this process was to create a mechanism for the manipulation and subjugation of the African populations by excluding them from meaningful social, economic and political participation.

White people throughout colonial Africa were encouraged to perceive of themselves and each other as inherently superior to the local African populations, irrespective of their stature or lack thereof in their places of origin (Nelson, 2006:4). Africans were, in turn, encouraged to aspire to the higher status of the “Europeans” through the modification of their behaviour and thought. Consequently, the role of the leader in an African context was modified, and a social hierarchy developed to clearly reflect European superiority. Africans were commanded and paternalism developed on the part of Europeans towards Africans (Bennett, 1994:120).

Clearly, it would have been impossible for Europeans to maintain their dominance without either some collaboration on the part of the local chiefs, headmen and elders, or the exercise of military force. Consequently, collaboration was obtained through the negotiation of mutual benefits or promises of such benefits some time in the future. The customary powers of traditional leaders initially remained largely intact, but were subject to the authority of the settler government. This changed with time as the colonial government became the primary source of the traditional leader’s authority (Bennett, 1994:120).

3.2.6 Traditional leadership under apartheid rule in South Africa

There were several key developments which affected the system of traditional leadership due to events that led to the apartheid era (Palmary, 2004:5). The most significant of these being the several attempts to degrade or undermine the institution of traditional leadership, by trying to reduce it into insignificance, or perhaps irrelevance. Enclaves known as homelands, or self-governing territories, were used by the apartheid regime to enforce its rules and policies. As a result, these homelands or self-governing territories earned the reputation of being notoriously repressive. Some traditional leaders were harassed as they were perceived to be assisting people involved in the liberation movement at the time; as a result, some lost their leadership

positions or were deposed (Maloka, 1996:173). In contrast, some Bantustan³ governments used the chiefs to enforce colonialist approaches in order to suppress trade unions, political organisations and to outlaw other chiefs (Maloka, 1996; Walker, 1994). These authors argue that some traditional leaders were easily used by the apartheid machinery in order for these traditional leaders to gain wealth and power. Some chiefs played a central role in the implementation of laws intended for 'separate development' (Maloka, 1996; Walker, 1994). Other traditional leaders were not satisfied. For example, the military coups in Ciskei, Venda and Bophuthatswana serve as testimony to this dissatisfaction. In contrast, in Lebowa, Kangwane and Transkei, those in power sought to identify with the liberation movements, like the African National Congress (ANC).

The apartheid government manipulated the system of traditional leadership in ways that undermined its credibility (Maloka, 1996:173). For example, in instances where there had been significant resistance by Chiefs and communities to the systems of governance in the Bantustans, the apartheid government appointed lower Chiefs (and sometimes even commoners) and deposed others (Maloka, 1996:174). This was legitimised by using the Bantu Authorities Act of 1951 to impose government appointed Chiefs (Maloka, 1996:174). The apartheid system influenced the institution of traditional leadership by making sure that the traditional authority becomes its administrators, rather than being accountable to their communities (McIntosh, 1990:27). As a result, communities lost trust in and respect for the systems that had previously held much respect.

When the National Party came to power in 1948, it entrenched a policy of apartheid and separate development (Khunou, 2009:84). In both the Transkei and the Ciskei, a territorial authority was established to provide a form of Bantu local government. Different localities were divided into kraals, wards and districts. Each kraal consisted of several families who were subject to a headman, who was accountable to the Chief.

³ A Bantustans means a partially self-governing area set aside during the period of apartheid for a particular indigenous African people: a so-called homeland. For instance, former Gazankulu.

The kraal headman was assisted by a council of advisors, who were chosen from different family heads (Mahlangeni, 2005:20; Khunou, 2009:84).

3.2.7 Establishment of homelands and self-governing territories in South Africa

It was apartheid policy to re-settle the inhabitants of South Africa and the South West African (Namibian) people. Settlements known as Bantustans were thus established. These were designed to accommodate and separate different ethnic groups (Khunou, 2009:84). The term Bantustan was first used in the late 1940s. This term may be equated to other derogatory terms associated with the apartheid regime. Arguably, the purpose for the establishment of a homeland system was to ensure that different ethnic groups are afforded an opportunity to govern themselves. Some of the Bantustans received independence, while others received partial autonomy, for example, KwaZulu, Lebowa and QwaQwa. The Transkei, Bophuthatswana, Venda and the Ciskei (the so-called "TBVC States") were declared independent. In South West Africa, Ovamboland, Kavangoland and East Caprivi were granted self-determination. When some of these homelands were granted their status by the apartheid regime, some drastic changes to the positions and roles of traditional leaders were effected (Khunou, 2011:279).

As mentioned previously, the apartheid government created or established Bantustans or homelands purely along the ethnic, language and cultural lines of a particular ethnic group. The leadership of these Bantustans were known to have been 'minions, puppets or subordinates' of the apartheid regime. As a result, some may argue that they were no longer in a position to govern and be accountable to their constituencies; instead, they were seen to be accountable to their apartheid masters. This includes the Transkei, Bophuthatswana, Venda and the Ciskei. Traditional leadership roles were limited through the passing of various pieces of legislation with the sole purpose of controlling them. Those traditional authorities that survived the onslaught were regarded as the puppets of the government (Khunou, 2009:91).

3.3 INSTITUTIONS THAT SUPPORTED THE APARTHEID GOVERNMENT IN SOUTH AFRICA

The apartheid regime ensured that it established structures that would assist in the perpetuation of its apartheid policies. The following traditional leadership structures were established by the apartheid government:

3.3.1 Tribal Authorities

Tribal authorities lead by either the Chief or Headmen were established by the apartheid government. The Chief would then appoint Councillors who would assist him in the administration of tribal authority, in accordance with the custom. According to Khunou (2009:96), the duties, functions and powers of tribal authorities were:

- To administer the affairs of the tribes within their area;
- To assist the head in the exercise of the powers, authority and functions conferred upon him;
- To promote the socio-economic development of the residents in their area;
- To make recommendations to the competent authority regarding school buildings, arable land, old age and disability grants;
- To assist in services like the preservation of the environment, flora and fauna, soil erosion, and the reclamation and control of grazing and burning of grass;
- Fees, rates and charges which were in accordance with custom;
- All amounts derived from any property owned by the tribal authority;
- Donations; and
- Moneys received from the Legislative Assembly (Vosloo et al., 1974:13).

The Chief Officer of a tribal authority is a tribal secretary who was appointed by the authority itself; in some cases the government appointed an official as the tribal secretary. These authorities were allowed to make by-laws regarding the exercise of their functions. All income derived was directed to the Magistrate's Office. The sources of income being:

3.3.2 Regional Authority

The members of the Regional Authority consisted of all the Chiefs and other heads of tribal authorities in the region, one Councillor from each district in the region appointed

from amongst their own number, by a majority vote by representatives of registered voters on the Tribal Authorities in a district, one Councillor appointed by the King and Paramount Chief as head of the Regional Authority, and three Councillors appointed, respectively, on the grounds of their knowledge or experience of education and agriculture (Mahlangueni, 2005:25). The functions of the Regional Authority were primarily to:

- assist in the administration of the affairs of the Tribal Authorities falling under it in the region;
- promote the advancement and general interests of the inhabitants of the region;
- exercise such civil or criminal jurisdiction, including any appellate functions, as may be conferred upon it by or under any law;
- provide for the suppression of disease of cattle by construction, maintenance and operation of dipping tanks or the application of any measures which it may consider necessary; and
- advise the government in relation to the establishment of industries and the development of natural resources, the improvement of farming, agricultural and pastoral methods, soil conservation, the development and improvement of water supplies, education, public roads, administration of welfare services, establishment of markets and ponds, preservation of fish and game, the control of licensing of trade and business, the administration, settlement and use of land in the region (Mahlangueni, 2005:25).

Steps have been taken after South Africa became a democracy in 1994 to acknowledge traditional leadership in local governance, as discussed in the following section.

3.4 TRADITIONAL LEADERSHIP IN A DEMOCRATIC SOUTH AFRICA

Traditional leadership, in post-apartheid South Africa, is recognised under the Constitution of 1996 (Nicholson, 2003:5; Selepe, 2009:43). In addition, traditional leaders are represented at the national level and by representatives from the National House of Traditional Leaders. Furthermore, the Traditional Leadership and Governance Framework Bill (TLGFB) of 2003 sought to reinforce their role in local governance. After 1994, South Africa had to consider how it was going to

accommodate the system of traditional leadership in the new democratic order (Tshehla, 2005:1). This was not an easy issue to deal with, especially for a new government that had to address many other challenges related to the overhaul of state machinery. Moreover, many regarded the institution of traditional leadership as having been so influenced by colonial and apartheid policies that it was, in many respects, more a reflection of those policies than of the traditional or cultural practices of South Africans (Tshehla, 2005:1). While traditional leadership remained on the periphery of transformation in the country, the Houses of Traditional Leadership were given an important role as effective custodians of African tradition and culture.

When the homelands were abolished in 1994, the institution of traditional leadership was recognised (Republic of South Africa, Interim Constitution, 1993). The Interim Constitution created a framework within which traditional leadership roles were recognised and protected (Interim Constitution 200 of 1993). Section 181 recognised tribal authorities that adhered to customary law from the date that the Interim Constitution came into effect.

Although Section 211(1) recognised the status and role of traditional leadership according to customary law, s 211(2) makes this recognition subject to applicable legislation. Section 211(2) thus permits the national and provincial houses of traditional leadership to exist without entrenching their powers and functions. Section 212(1) states that the “national legislation may provide a role for traditional leadership as an institution at local level on matters affecting local communities. Thus, traditional leaders may play a role at all levels of government, in direct contrast with the principle of representative democracy upon which the South African state is founded.”

The role of traditional leaders today has been transformed and redefined by the Traditional Leadership and Governance Framework Act (Hugh, 2004:73). The Act creates structures designed to permit those who live under traditional laws to influence the running of the country. This Act recognises traditional communities, establishes traditional councils, and regulates and delineates the powers of traditional leaders. In addition, the Act makes provision for a Commission on Traditional Leadership Disputes and Claims, and provides for a code of conduct. The Traditional Leadership and Governance Framework Act (Act 41 of 2003) creates opportunities for traditional leaders to work together with municipalities in order to improve service delivery.

Traditional leaders reside within their communities and are in a better position to understand the needs and concerns of the people than are local government structures. Traditional leaders are regarded as the custodians of the morals, values and cultural systems of many people of South Africa. Traditional law draws its legitimacy from its acceptance within a traditional community and thus differs in fundamental respects from western conceptions of law (Taylor, 1995:120). Taylor (1995:125) argues that the manipulation of indigenous law was used as a tool of domination. Furthermore, the traditional leader's role was interpreted and westernised in such a manner so as to dominate the African people (Taylor, 1995:120; Bennett, 1994:121). Taylor and Bennett further argue that tribal structures were also exploited by their colonialists. These manipulations were also exploited by other African leaders to secure roles of authority for themselves.

According to Taylor (1995:420), traditional leaders were not accorded the necessary powers and authorities to rule over their subjects. This meant that the powers of traditional leaders over land rights were curtailed, and could only be accessed on the approval of the apartheid administration, in line with the Native Land Act of 1913 (No. 27 of 1913).

According to Matsila (2016:5), the traditional leadership system suffered during apartheid. Matsila (2016:18) argues that traditional leadership was subjected to major disruptions such as dislocation, dethroning and murder of traditional leaders by the colonial machinery and its institutions. Matsila (2016:6) further argues that it is only through cultural tenacity that the system of traditional leadership survived and continues to thrive under democratic rule. When the organs of the state charged with strengthening democracy become ignorant of the traditional values of certain communities, people become misguided and have little regard for the respect and responsibility that are part and parcel of a successful democracy (Matsila, 2016:5).

Since the dawn of democracy in South Africa, in 1994, the government in particular has gradually come to neglect, and in some cases abandon, the projects it adopted to promote and preserve the culture, heritage and traditions of all communities. As a result, social cohesion and nation-building are non-existent (Matsila, 2016:5). Traditional leaders are equally to blame, since few individuals in society take the initiative and responsibility to kick-start social cohesion programmes in villages. The

few programmes that are started by traditional leaders collapse before making any meaningful inroads; this is due to the lack of resources and support, which are reasonably expected to be provided by government. Leaders in government, communities, and civil society should work together to address common problems (Matsila, 2016:5). In a modern democracy, traditional leaders have been forced to transform in order to remain relevant (Ntsebeza, 2003). During the democratic era, the main functions of the traditional leadership have been re-defined. This also means that the traditional leadership should be in a position to administer justice through customary courts, settle disputes in their villages and arrange tribal ceremonies, amongst other things (Dipholo, Mafema & Tshishonga, 2011:21). While it may be argued that the institution of traditional leadership has been reduced to insignificance in certain instances, it is still highly valued by their tribes (Lekorwe, 1998; Ramsay, 1998:106; Dipholo, Mafema & Tshishonga, 2011:21; Lutz & Linder, 2004:14). Their resilience may be attributed to their deep rooted cultures (Rugege, 2003).

3.5 THE ROLES AND RESPONSIBILITIES OF TRADITIONAL LEADERS IN A DEMOCRATIC SOUTH AFRICA

The roles of traditional leaders in a democratic South Africa are recognised in terms of chapter 12 of the Constitution of the Republic of South Africa of 1996. According to the Constitution, the institution of traditional leadership plays a very significant role in that it has a significant influence, especially in the rural areas. In addition, the Constitution also recognises customary law, which is one of the main pieces of legislation governing the traditional institution. Simply put, the institution of traditional leadership, traditional leaders and their status, as well as customary law, are all recognized by the Constitution. The government realised that the transformation of the institution of traditional leadership may play a role in socio-economic development and contribute to nation-building. According to the Traditional Leadership and Governance Framework Act No. 41 of 2003 (South Africa, 2003), traditional leaders perform the following duties:

- Supporting municipalities in the identification of community needs;
- Facilitating the involvement of the traditional community in development;
- Participating in the development of policy and legislation at the local level;
- Promoting the ideals of co-operative governance, integrated development planning, sustainable development and service delivery.

A major concern is the lack of understanding between the roles of councillors and the roles of traditional leaders. When local councillors were appointed, their roles appeared to be the same as the roles that traditional leaders are supposed to perform. This often results in friction and rivalry which, in turn, has a negative impact on service delivery. Consequently, both realize that for all meetings to form a good quorum, both traditional leaders and councillors have to be represented. Traditional leaders still command authority in the rural areas; as a result, they can call people to attend meetings in their locality. In addition, traditional leaders have power in terms of the allocation and distribution of land to their subjects. They also have the power to allocate land for residential, cultivation and grazing purposes. This is done through ward heads, or clan heads, unless such officials are not in a position to perform such a function, for various reasons (Tutu, 2008:34).

The role of traditional leaders in South Africa has remained a controversial issue over the past few years (Holomisa, 2004:1). Traditional authority constitutes a form of local government in terms of indigenous law. Traditional Leaders still remain the national heritage on matters of culture, language and the historical context of the past, present, and the future. While some quarters question the role and place of traditional leadership in modern democracies, they often ignore the existence of the same concepts in the form of monarchies and royal families in the United Kingdom, the Netherlands, the United Arab Emirates, Lesotho, Thailand, Japan and Spain, even though they may have no direct role in legislative/judicial matters (Dodo, 2013:31).

Pwiti and Mvenge (1996) posit that traditional leadership systems were in place to maintain respect for, and the survival of, cultural sites. Traditional leadership systems promote the responsible and controlled utilisation of resources. In the same vein, the communication between spirit mediums and God was also facilitated by traditional leadership systems, which mobilised most of the material resources needed for the ceremonies and the organisation itself.

Historically, traditional leaders had an important responsibility that ranged from the social, economic and moral to the political. They catered for the welfare of the people by providing them with land for agriculture and grazing, which was integral to the lives of the people economically. They provided for the poor and orphans, and helped in

times of drought and other emergencies. The security of the local communities and defence against external aggression was also a responsibility of traditional authorities. Most kingdoms had their defence armies to attend to the needs of their people in times of foreign invasions by cattle rustlers, women grabbers and land invaders.

Similarly, the traditional leadership controlled most developmental projects. Culturally, they are believed to be the only agents who can convince the ancestral spirits to accept or adopt any new concepts or ideologies in the area. They also serve as intermediaries between the people and the government. In light of this, it is no wonder that donors and government agencies seek permission from these leaders for any developmental work. The system of traditional leadership has always served as mediator, judge and advisor whose verdicts were respected and accepted with high esteem. Where people could not make acceptable judgements, traditional leaders could resort to the spiritual sphere for advice (Dodo, 2013:32).

Traditional leaders were also responsible for peace, stability and the resolution of disputes. Their ability to adjudicate in times of conflict and in social disputes played an important role in minimising the possibility of war and or conflict. This, therefore, meant that they had to be impartial, fair and effective in their judiciary systems if they really wanted to enforce community order (Chituwi, 2008:16).

Colonial governments changed the nature of chieftaincy by giving them specific administrative responsibilities, incorporating them into the modern ruling apparatus and, hence, politicising them. In the post-colonial era, this has also been the strategy of many democratic, autocratic, military and one-party states. As chiefs have become, in many cases, glorified local officials or civil servants, their traditional role has become an imaginary story (Dodo, 2013:35). Unfortunately, traditional leaders fail to realise the nature of the abuse because of poverty and semi-illiteracy, and they easily fall into the trap.

The authority of traditional leaders comes from the people, not from themselves, and they must therefore rule in harmony with the wishes of the people. Traditional leaders perform their duties in a traditional authority that is governed by rules and principles that are deeply rooted in the nation (Morgan & Homel 2011:10). Furthermore,

Traditional Authority is built up by roles, customs and practices that are accepted into the ritual of life (Tutu, 2008:16).

In terms of indigenous law and the legislation of certain functional activities of local government, traditional leaders find themselves as part and parcel of the developments taking place in their areas. They are involved in road construction, schools, clinics and other similar community infrastructure. Such social amenities are carried out in a jurisdiction area where traditional authority is in charge. The Congress of Traditional Leadership of South Africa (CONTRALESA) emphasizes that traditional authority should remain the primary level of rural government (Holomisa, 1997:7). The Traditional Leadership and Governance Framework Act (Act 41 of 2003) aims to create opportunities for traditional leaders to work together with government structures at a local level to improve service delivery. Traditional leaders are regarded as the custodians of the morals, values and cultural systems of many people in South Africa (Taylor, 1995:420).

3.6 THE ROLE OF TRADITIONAL LEADERSHIP IN SOUTH AFRICA: WITH REFERENCE TO CRIME PREVENTION AND PARTNERSHIP POLICING

The South African Constitution and other legislation recognise the relevance of traditional leaders in many spheres of governance (Tshehla, 2005:3). However, their role has not been clearly outlined in crime prevention policy documents such as the 1996 National Crime Prevention Strategy (NCPS) (Singh, 1996:97) and the White Paper on Safety and Security of 1998 (Department of Safety and Security, 1997). Traditional leaders are therefore excluded from participating in crime prevention even though they can play an important role in such activities in rural areas.

The role of traditional leaders in crime prevention in South Africa cannot be ignored. Tshehla (2005:3) is of the opinion that crime prevention through environmental design (CPTED), which is one of the pillars of the NCPS, can benefit significantly from the active participation of traditional leaders. This is due to the fact that traditional leaders reside within communities where crime takes place, and they interact with communities on a daily basis. In Limpopo, there are 193 senior traditional authorities equipped with reasonable infrastructure; this infrastructure can be used effectively to coordinate crime prevention projects (Tutu, 2008:34). Despite the challenges that traditional leaders continue to face, they are seen to perform their duties. They play a role in

identifying the needs of their people and assisting them in accessing the required services. The Traditional Leadership and Governance Framework Act (Act No. 41 of 2003) provides that traditional leadership must promote freedom, human dignity and the achievement of equality and non-sexism. Traditional leadership must derive its mandate and primary authority from the applicable customary laws and practices. Traditional leadership must strive to enhance tradition and culture, and to promote nation building, harmony and peace amongst their people. The discourse on partnership policing is underpinned by the realisation that policing is not isolated or independent from other sectors of the community, but it functions in the context of the involvement of traditional leadership (Burger, 2011:140). There has been a growing realisation of the need for the involvement of traditional leaders in policing activities in their areas (Burger, 2011:141). Traditional leadership is part of community leadership in rural contexts, and efforts from them to participate in policing can assist in crime reduction. Their involvement will ensure that their voice is heard and will assist them in managing the areas under their leadership.

Research shows that maximum participation by traditional leadership in the affairs of communities is a rewarding exercise, as both the police and the traditional leadership stand to benefit (Mbokazi & Bhengu, 2008:59). The current roles played by traditional leaders include the promotion of community ownership, which helps reduce crime. Other roles include strengthening relationships between the police and the community; creating a platform where both the police and the community are able to discuss issues affecting them. Traditional leaders mobilise the community and ensure that communities participate in meetings that address crime. For instance, when the traditional leadership arrange meetings in their homestead, they allocate a slot in the programme for the police to speak on criminal matters; in this way, relations are improved. Traditional leaders play a gate-keeping role with regard to access to their geographic areas. In addition, traditional leaders are the first to interact with community members before the involvement of the police. Traditional leaders play a significant role and may create a platform through which all stakeholders can form an effective policing partnership. Furthermore, the traditional leadership can also liaise with the Local Government and Welfare Departments on behalf of the community. Notwithstanding the relationship between the traditional leadership and the police in

rural contexts, some traditional leaders do not support the police in their areas (Sithole, 2005:103). Some traditional leaders are less motivated to work with the police for various reasons. Some traditional leaders, community members and the police should assist each other with regard to safety and security. This is however not always possible, due to personal issues. Although there was a Safety and Security Committee in the Limpopo area, of which traditional leadership was a part, it was non-functional, because members hardly attended the Committee meetings. They were also part of the Community Policing Forums, but it was reported that some members of these forums were allegedly involved in criminal activities.

The partnership policing relationship is a two way process where all stakeholders must take initiatives. Most traditional leaders support the involvement of community members in crime prevention in their areas. Taking part in policing activities would afford all stakeholders an opportunity to accept and regard all policing initiatives as part and parcel of themselves, which would in turn enable them to make suggestions for crime prevention.

3.6.1 The erosion of the powers of traditional leadership

The colonialists brought with them several factors that led to the erosion of traditional methods of protection (Dodo, 2013:39). The apartheid regime was instrumental in the destabilization of traditional leadership institutions by imposing their structures onto traditionally-led geographic locations (Khunou, 2011:15). Traditional leaders were excluded from participating in debates affecting them, by denying them a vote. Consequently, the Black Administration Act (Act 38 of 1927) was specifically established to deal with issues affecting communities in South Africa. Communities were marginalised and the homeland system was introduced in accordance with ethnic and tribal lines (Bennet, 2003:108).

In 2005, the Black Administration Act (Act 38 of 1927) was repealed from the statute books in South Africa. This created room for traditional leaders outside of traditional ruling families to also qualify for appointment as traditional leaders, on condition that they meet the other requirements for such appointment. Removing the Black Administration Act from the statute books was a key principle that led to the dismantling

of apartheid in South Africa. The Act was used to disempower Africans and to humiliate them in a variety of ways (Holomisa, 1997:8).

This homeland system was introduced along ethnic lines using the Promotion of Bantu Self-Government Act 46 of 1959 (Holomisa, 1997:9). Migrants would only be allowed to leave the homelands through the labour system, which was designed to control the movement of these migrants using the “pass” system. Despite some transformation milestones since the dawn of democracy, the institution of traditional leadership has not necessarily attained the full recognition it deserves. Tensions between traditional leadership and democratically elected structures continue to surface in a number of areas in South Africa. Development and service delivery are negatively impacted when this in-fighting continues.

3.6.2 Example of the abuse of power by traditional leaders in South Africa

In South Africa, there are cases of traditional leaders who find themselves on the wrong side of the law. In 2015, a King in the Eastern Cape was jailed after being found guilty of assault and attempted murder, amongst other charges (Makinana, 2016:1). It is alleged that the King ordered his subjects to commit crimes for refusing to obey his orders. It is further alleged that the King boasted that he was immune to prosecution, simply because of his traditional position. There was also a suggestion that one of the King's subjects is supposed to serve the sentence on behalf of the King, which was rejected by the court. AbaThembu King Buyelekhaya Dalindyebo received a 12-year sentence for assault, arson, kidnapping and defeating the ends of justice (Makinana, 2016:1).

In 2012, the AbaThembu tribe requested that the national minister of Co-operative Governance and Traditional Affairs and the president withdraw the certificate of Kingship of Dalindyebo, which is a legal procedure. The Traditional Leadership and Governance Framework Act (Act No. 41 of 2003) allows for the removal of a King who is sentenced to more than a year of imprisonment, without an option of a fine. It took two decades to bring Dalindyebo to justice. The incidents for which he was found guilty took place in 1995 and 1996; the prosecution was endlessly delayed, until he was convicted and sentenced to 15 years in the Mthatha High Court in 2009. He claimed to have appealed but no papers were filed for years thereafter. The National Prosecuting Authority claimed to have appealed this but, likewise, no papers were filed,

therefore the authorities did nothing to implement the sentence. The high court records disappeared. In 2014, Dalindyebo was allowed to file a late appeal which reduced his sentence to 12 years and, in 2015, he lost his attempt to appeal to the Constitutional Court (Makinana, 2016:2). The way forward is to empower the institution of traditional leadership. In addition, full recognition of this institution will restore the dignity of all Africans and enrich our democracy (Dodo, 2013:42).

3.6.3 Judicial immunity of traditional leadership in South Africa

CONTRALESA claims that the National Director of Public Prosecution's (NDPP) decision to prosecute Dalindyebo violates his judicial immunity (Makinana, 2016:4). Traditional leaders are taking on Parliament over its failure to recognise the traditional Chief's rights and immunity from prosecution for decisions made in traditional governance structures. In a related matter, CONTRALESA also wants the courts to set aside the decision to prosecute King Buyelekhaya Dalindyebo, who is serving a 12-year sentence for kidnapping, culpable homicide and arson.

In an application before the Western Cape High Court (*Dalindyebo vs S* (267/04 [2015] ZAECHC 73 (12 May 2016) against the speaker of the National Assembly, Baleka Mbete, and Parliament, CONTRALESA argues that:

- Parliament has failed in its constitutional duty to deal with matters relating to traditional leadership, the role of traditional leaders and customary law in that it has not passed legislation dealing with the status and powers of traditional authorities and their jurisdiction over traditional courts; and
- Parliament has violated the constitutional rights of traditional leaders by not ensuring that they enjoy judicial immunity from criminal and civil liability arising from their decisions in the traditional courts.

CONTRALESA wants the court to declare that the National director of public prosecution's decision to prosecute Dalindyebo violated the principle of judicial immunity extended to traditional leaders when they exercise their judicial power. Makinana (2016:4) argues that CONTRALESA asked the court to review and set aside the decision to prosecute Dalindyebo on the grounds that the actions of the King were not offences in terms of the Criminal Procedure Act, read together with the Transkei Penal Code (Makinana, 2016:4). Furthermore, CONTRALESA wants the court to direct

Parliament to pass appropriate legislation dealing with the status of traditional courts and the criminal jurisdiction of traditional leaders, within a period of 36 months from the date of the order of the court.

In addition, CONTRALESA also wants the courts to interdict the Minister of Cooperative Governance and Traditional Affairs, or any relevant executive authority, from taking any steps under section 10 of the Traditional Leadership and Governance Framework Act that would lead to Dalindyebo's removal (Makinana, 2016:4). In an affidavit, Nkosi Mwelo Nonkonyana, the chairperson of CONTRALESA in the Eastern Cape, argued that the conviction and sentence of Dalindyebo had "unprecedented ramifications for the constitutional status of traditional authorities in South Africa, and their customary civil and criminal authority" (Makinana, 2016:4). As previously indicated, Dalindyebo was convicted of culpable homicide, three counts of arson, three counts of assault with intent to do grievous bodily harm, defeating the ends of justice and kidnapping, by the High Court in Mthatha in October 2009.

CONTRALESA argues, in court papers, that Parliament had recognised the constitutional duty to pass a law dealing with the status and role of traditional courts when it processed the Traditional Courts Bill (Makinana, 2016:5). However, the processing of the Bill was frustrated, with the result that the legislative process involving it was not completed. In its responding papers, Parliament said it was not obliged to pass such legislation but had nevertheless enacted the Traditional Leadership and Governance Framework Act and the National House of Traditional Leaders Act in terms of the Constitution (Makinana, 2016:5).

The deputy chairperson of the National Council of Provinces, Raseriti Tau, when responding on behalf of Parliament and Mbete, stated that Parliament had also initiated discussions on the Traditional Courts Bill with a view to passing it into legislation. In his responding papers, the Minister of Cooperative Governance and Traditional Affairs, Des Van Rooyen, said that in its court action CONTRALESA was not representing the interests of the AbaThembu. Van Rooyen stated that he received separate correspondence from senior Thembu Royal House leaders who informed him of the "meddling of CONTRALESA in the affairs of the Kingdom of AbaThembu". The matter was scheduled to be heard in the Western Cape High Court in July 2016. The Western Cape High Court overturned the appeal and the King had to serve a 12-year jail term.

3.6.4 Progress made with regard to traditional leadership institutions in South Africa since 1994

It can be argued that progress has been made to recognise traditional leadership institutions, in keeping with the spirit of the Constitution of the Republic of South Africa, 1996 (South Africa, 1996). Chapters 11 and 12 of the 1996 Constitution of the Republic of South Africa make provision for the full recognition of traditional leaders. The available legislative framework shows the government's commitment to the institution of traditional leadership, and to defining its roles and responsibilities. The Institution of Traditional Leadership has, over the years, performed various governance functions. However, the manner in which these entities performed these functions differed from one territory to another. Traditional Leadership Institutions can play a meaningful role in the development of their communities and play an advisory role to government concerning the socio-economic needs of these communities. Traditional leadership stands a better chance to serve as an important link between themselves, their communities and the government. When the new government of South Africa came into power in 1994, their main task was to make corrections and adjustments to traditional institutions in the country.

3.6.5 Future of traditional leaders in South Africa

It can be argued that the colonial and apartheid regimes did not achieve much in terms of the developmental needs of traditional communities. The original duties and functions of traditional leadership structures are now recognised in the Constitution. Certainly, traditional leaders will continue to play an important role in rural, provincial and national government in South Africa. The positive view of the future of traditional leadership is attributed to the specific provisions of the Constitution. It is proposed that the institution of traditional leadership in South Africa be viewed in the context of an on-going process of transition that began in 1994.

However, there are politically loaded questions concerning the possibilities of the entrenchment of the position and roles of traditional leadership, and its varied institutions, as they exist today. The institution of traditional leadership is the only institution that has a track record of governing traditional communities. This structure was tested from time immemorial and is therefore trusted by the members of traditional communities. A discussion of traditional leadership in Ghana is presented next.

3.7 TRADITIONAL LEADERSHIP IN GHANA

The Constitution of Ghana provides for the establishment of the National Traditional House of Chiefs and Regional Houses of Chiefs. These houses have more or less the same roles as the National and Provincial Houses of Traditional Leadership in South Africa (Mijiga, 1998:13). In addition, traditional courts are recognized in Ghana's judicial system, and are accorded the necessary respect by the judicial authority. Mijiga (1998:13) further indicates that each Regional House elects five paramount Chiefs to represent the Regional House in the National House of Chiefs. In addition, Chiefs were elected by their own people to serve in either one of the houses or the traditional council during the colonial period. According to Ayee (2007:2), traditional leaders in Ghana are accorded their responsibilities and are participants in national development planning teams.

This changed when the British government introduced the first legislative council upon arrival in Ghana. The number of traditional leaders was reduced to three Chiefs and three ordinary people as the council (Mijiga, 1998:13). The number of Chiefs represented in the Regional Houses and their functions and roles are determined by an Act of Parliament. The different structures within the Ghanaian traditional hierarchy have the constitutional mandate of advising the executive and the legislature on all matters affecting the country's traditional institutions and customary law (Mijiga, 1998:14).

Traditional leadership in Namibia is discussed in the following section.

3.8 TRADITIONAL LEADERSHIP IN NAMIBIA

In Namibia, communities were governed by Kings, who were assisted by Chiefs, before the arrival of colonialists (Keulder, 1998:34). It is accepted among these communities that Kingship is inherited and that Kings are not appointed to positions. All political and economic power is vested in the King, who is assisted by chiefs and headmen. A further level of authority known as sub-headmen was created, and the Sub-Headmen are in charge of wards. Their main function is to advise the Senior Headmen (Keulder, 1998:34). The responsibilities and functions of Chiefs and Headman are the allocation of land, defence, peace and order, co-ordination of agricultural activities, and the general progress of the group, including looking after the

poor (Mamdani, 1996:3). Their authority was absolute. They constituted the political and economic elite, and their political status and material well-being, rather than the well-being of the group, was often the driving force behind their decision making (Mamdani, 1996:4). Colonialism, and other forces of modernity, did not only disrupt and destroy most of the moral economy, but they undermined the social and political authority of traditional leaders (Keulder, 1997a). Keulder, (1997a) further argue that these forces changed the role of many leaders from guardians of the well-being of their society to colonial bureaucrats.

The following section focusses on the development of colonial administrative structures, and the relationship between these structures and traditional authorities, in Namibia.

3.8.1 Traditional leadership in Namibia during the colonial period

Namibia was colonised and governed by Germany from 1884 until 1914, thereafter South Africa was mandated to govern Namibia from 1915 to 1989 (Keulder, 1997b:35). According to Keulder (1997b:35), German control in Namibia was primarily concentrated in the areas south of the Police Zone, which is where German administrative structures were established. The areas north of the Police Zone were left in the hands of existing traditional authorities (Keulder, 1997b:35). Administration was divided into levels to ensure that governance was controlled.

The first level of Administration was municipal councils, who were responsible for normal municipal functions. The second level was district councils, whose functions were similar to those of the municipal councils, but extended to areas outside of their boundaries. The third level was the territorial council; this was an advisory body for the governor, with some legal status to change and modify his decisions (Hobsbawm & Ranger, 1994:6). The overall aim of these administrative structures was to reinforce and secure the supremacy of German interests. As a result, the relationship between the German rulers and the traditional authorities was, at best, conflictual and designed to undermine the authority of traditional leaders (Keulder, 1997b:37-38). The German administration intervened in the affairs of the indigenous population using the so-called “protection treaties” (Keulder, 1997b:38). These treaties were often used to play traditional leaders off against one another in a classic colonial policy of divide-and-rule.

One other mechanism used for direct interference in the configurations of traditional power was the land policy formulated in 1892 (Hobsbawm & Ranger, 1994:7).

3.8.2 Traditional leadership in Namibia during the post-independence period

According to Piek (1997:23), there was little consultation during the drafting of the Namibian Constitution. Furthermore, indigenous interest groups, such as traditional leaders, were not consulted. After independence, the traditional courts lost their former criminal jurisdiction, but retained jurisdiction over civil cases. Traditional courts were not part of the legal system of Namibia (Piek, 1997:24). The tribal police were also disbanded, and traditional leaders lost their powers of detention. Traditional authorities could become part of the political configuration if they were constituted as a form of local authority. However, traditional leaders were excluded from political office, thereby reducing their traditional and colonial status from that of political leaders to that of cultural agents (Piek, 1997:24).

Traditional leadership in Botswana is presented in the following section.

3.9 TRADITIONAL LEADERSHIP IN BOTSWANA

In Botswana, the traditional leaders (Chiefs) enjoyed unlimited and undefined powers over the tribe during the pre-colonial period. The Chief was the custodian of tribal land and allocated it to his tribesmen for ploughing or residential purposes. The villages were divided into several wards, with each ward allocated to a Headman. The Chief settled disputes, pronounced on tribal customs and traditions, and ruled on matters concerning the tribe, in consultation with its members (Sharma, 2003:2).

In 1934, the Native Proclamation Act (Act No. 38 of 1927), which was subsequently renamed the Bantu Administration Act (1927), was issued in formal recognition of the tribal Chiefs and their authority. The proclamation did not materially alter the traditional institution but simply formalized it. The Chiefs opposed it, as they perceived it as an attempt to codify their authority and as a limitation of their erstwhile sovereignty and unlimited authority. In the same year, the tribal court system and its jurisdiction were formally recognised (Sharma, 2003:2). This was also met with opposition from the Chiefs. In 1943, the *Kgotla* (village assembly) was acknowledged as the advisory council of the Chief. In 1956, Tribal Councils and District Councils were introduced

(Sharma, 2003:3). The Chiefs headed these councils and the membership consisted of some members nominated by the chairmen and some elected by the *Kgotla*. These councils headed by Chiefs performed limited local government functions until independence in 1966, when a new system of elected local government, following the principle of universal adult franchise, was introduced (Sharma, 2003:3). In Botswana, traditional leaders have been stripped of their powers and exposed to abuse by the executive that defines authority for the recognition, selection, acknowledgement, remuneration and removal of traditional leaders at will (Sharma, 2003).

Traditional leadership in Zimbabwe is discussed in the following section.

3.10 TRADITIONAL LEADERSHIP IN ZIMBABWE

In Zimbabwe, the two main political entities before the arrival of the Europeans were the Matebele (Ndebele) and the Shona Kingdoms. The Shona nation comprised the Hera, Rozwi, Njanja, Dzete and Nobvu tribes. Patrilineal ancestry was the basis of the political, administrative, religious and social systems of these people. Each clan had a common ancestor who united its members, and from whose name the hereditary title of the Chief was derived (Pwiti & Mvenge, 1996). In addition, the Shona people were politically organised into relatively autonomous Chiefdoms (Pwiti & Mvenge, 1996). These were usually subdivided into wards made up of several scattered villages, and controlled by headmen. Shona Chiefs were entitled to tributes, which included leopard skins, the hearts of all lions killed, women and youths captured as slaves during raids, and labour. They ruled with the help of advisors and councillors, and received further advice from ward and village Headmen and senior family members. Ward Headmen, who were responsible for a number of villages making up a ward, heard important cases referred to them by village Headmen. Serious allegations of murder, arson, witchcraft and offences against the Chief were generally heard by the Chief himself. The Chief's court was open to outsiders, and his role was that of adjudicator rather than punisher (Ribot, 1999).

Unlike the loose system of independent Chiefdoms found amongst the Shona, the Ndebele were organised into a strongly centralised Kingdom (Ribot, 1999). Within it, the King had great power and full control of the land and cattle. He was also the commander of a powerful and well-trained army, and supreme judge. As a ruler, he was assisted by three "great councillors" and two councils. One council consisted of

the Headmen and represented the interests of the commoners, and the other consisted of important kinsmen of the King and represented the interests of the royalty (Ribot, 1999). The Ndebele Kingdom was geared towards military conquest. Thus, raids for cattle, grain and slaves were frequent, and various non-Ndebele groups were conquered and incorporated into the Ndebele Kingdom. The Ndebele raids disrupted the Shona political system, which was much more loosely organised and less prepared for military conquest and self-defence (Pwiti & Mvenge, 1996).

3.10.1 Traditional leadership in Zimbabwe during the colonial period

According to Reddy and Mkala (2008), the colonial rule in Zimbabwe imposed a repressive modern administration on the indigenous population. Furthermore, the number of traditional leaders was reduced; traditional leaders lost their status and power, and the traditional mode of life was severely disrupted (Ray & Reddy, 2003). Similarly, Rakuni (1998) argues that the management of communal grazing areas and other natural resources could only be improved by strengthening village-level traditional leadership institutions. In Zimbabwe, as in many other places, Chiefs have a connection to the land in the eyes of the public, and they are often seen as the traditional custodians of the land (Daniel, 1996). Daniel (1996) further argue that the land was protected through upholding the ancestral rest-day, which protects soil fertility; preparing rain rituals; get divine environmental protection through the animals, which protect species diversity; and family, preserving holy graves". In Zimbabwe, traditional leadership systems have also served to reduce the crime rate and juvenile delinquency through community programmes and restrictions that eventually discourage potential perpetrators. In other situations, they use lineages, totems and relations within communities to curb crime. Traditionally, Chiefs and village heads were known to be elderly personalities whose wisdom could not be questioned, unlike the current political leaders who can assume office even at tender ages without having acquired any social, political and economic knowledge.

The roles of traditional leaders, particularly those of Chiefs, were wide-ranging and involved a variety of functions and it is always evolving (Daneel, 1996). First and foremost, a traditional leader is a head of the community under his/her jurisdiction, who is then supposed to supervise Headmen and village heads. Through the traditional leadership structure, Chiefs oversee the collection of village levies, taxes, rates and

charges payable in terms of the Rural District Councils' Act (Tlhoale, 2012:14). Molotlegi (2003) argues that traditional leaders are responsible for the use and conservation of all the natural resources, inclusive of land and water, over cultivation, overgrazing, indiscriminate abuse of flora and fauna, as well as illegal settlements.

3.10.2 Traditional leadership in Zimbabwe during the post-independence period

After independence, traditional leaders lost almost all the powers they had received from colonial rulers (Rukuni, 1998). Traditional leaders were replaced either by popularly elected officials or by government-appointed leaders. This was in line with the government's avowed socialist principles (Holomisa, 2004:13). The modern state took control of the administrative and legal structures, thereby achieving victory over traditional forms of government. However, the state was weak at the local level, and struggled to remain the sole supplier of survival strategies to communities. To compensate for this, it had to fall back on traditional leaders to enhance its ability to provide efficient legal services (Keulder, 1998:202). The popular election of traditional leaders to village courts suggests that, in certain areas, they had the support of the local rural population. The government of Zimbabwe has since fully restored the powers of traditional leaders in local government and land administration, allocation and redistribution (Rukuni, 1998). The traditional leadership system in Zimbabwe has changed dramatically, especially in areas related to their comprehension of democratic principles. Traditional leaders also play a leading role in land allocation committees, and the identification of families who deserve land (Holomisa, 2004:13).

Traditional leaders in Zimbabwe were selected by families and the executive would only come to endorse or confirm the selection (Dodo, 2013:13). In Zimbabwe, traditional leadership were not taken seriously, and were neglected by the government (Lutz & Linder, 2004). However, when political leaders realised that traditional leaders represented a constituency, they were afforded some political recognition. In this respect, it may be argued that traditional leadership only matters when there is political mileage to be obtained or gained. In some instances, traditional leadership are thought to be a hindrance to development, especially by democratically elected structures.

Traditional leadership in Zimbabwe commanded enormous power and authority during the pre-colonial era (Lutz & Linder, 2004:14). Their subjects used to respect traditional leadership as they were responsible for the well-being of all their subjects. Lutz and

Linder (2014:14) argue that traditional leadership obtained power from “rights of conquests. In addition, they obtained powers from their ancestors or membership in a particular ruling family”. However, when the colonialists arrived, the traditional leadership were turned into the puppets of colonial masters (Ribot, 1999).

3.11 SUMMARY

This chapter provided the conceptual framework of traditional leadership. The changes that took place during the colonial era, post-colonial era, apartheid and post-apartheid eras had an enormous impact on the functioning of traditional leadership institutions, not only in South Africa, but in other African countries as well. The evolution of the institution of traditional leadership has, over the years, experienced a number of both positive and negative adjustments. These adjustments emanate from the earlier period of colonisation, through the apartheid era, and into the democratic South African government or the post-independence African State. Traditional leaders who were viewed as non-cooperative were dethroned by the colonial government. The institution was further manipulated by the colonial governments while ensuring that it carried out some government functions. Today, the South African democratic government is doing everything in its power to transform the institution of traditional leadership, in line with its democratic principles. This process involved the passing of various pieces of legislation and implementing programmes to support the institution of traditional leadership. The question is no longer whether traditional leaders have a role to play; rather, the question is what that role will be, and what will its impact be in supporting government initiatives towards ensuring the safety and security of its citizens. The traditional leadership system is an important facet of contemporary governance throughout the region. The researcher is of the view that traditional leadership systems may be incorporated into the contemporary system of governance for complementarity purposes. Overall, traditional leadership systems will continue to guide modern governance.

The next section presents a discussion of traditional initiation schools.

CHAPTER 4: TRADITIONAL INITIATION SCHOOLS: CONTEXTUALISING TRADITIONAL CUSTOMS VERSUS THE PERPETRATION OF CRIME

4.1 INTRODUCTION

South Africa is a multicultural society with different ethnic groups that practice various customs. These ethnic groups live in the nine (9) provinces. Furthermore, South Africa has eleven (11) official language groups with different cultures and customs. Some ethnic groups in South Africa, particularly those in rural areas, still practice the ritual of circumcision as part of a rite admitting boys to manhood. While the Constitution of the Republic of South Africa Act 108 of 1996) allows the practice of cultural or religious practices, such practices are supposed to take place within the framework of the law. However, in recent years, we have seen and heard of a rise in crime and casualties amongst those participating in traditional circumcision rites. Attempts by the government to regulate traditional practices (one of which is traditional initiation) have often been met with resistance from some groups of society.

Government has put policies and other mechanisms in place in an attempt to regulate traditional practices and customs, for example, the Children's Bill of 2005. Since then, traditional initiation schools have unfortunately become synonymous with crimes such as abduction, murder, extortion, botched circumcisions and illegal traditional initiation schools, to name a few examples. Some perpetrators of the crimes associated with traditional initiation schools hide behind customs and traditions. This chapter presents an overview of traditional initiation schools in Africa. This is followed by a religious background of circumcision. Subsequently, traditional initiation practices in other parts of Africa are discussed, with specific reference to the Limpopo Province in South Africa. Finally, this chapter examines some of the challenges associated with traditional initiation schools in Africa.

A religious background of circumcision is presented in the ensuing discussion, in order to contextualise traditional customs and the perpetration of crime in South Africa.

4.2 RELIGIOUS BACKGROUND OF CIRCUMCISION

The Bible is often used to justify the ritual of circumcision, as will be explained in the following section.

4.2.1 Biblical justification for circumcision

The majority of male circumcision worldwide is performed for religious or traditional reasons (Rizvi, Naqvi & Hussain, 1999:13). Such procedures generally take place outside of formal medical settings, and are performed by providers who may have special training but who are normally not health professionals. The primary global determinant is religion and almost all Muslim and Jewish males are circumcised (Steinberg & Halperin, 2002:225). These authors argue that Muslim boys may be circumcised at any age between birth and puberty, while a Jewish male infant is traditionally circumcised on his eighth day. The following Biblical scriptures present the justification of circumcision by certain communities in Africa:

God said: "This is My covenant which you shall keep, between Me and you and your descendants after you: Every male child among you shall be circumcised; and you shall be circumcised in the flesh of your foreskins, and it shall be a sign of the covenant between Me and you. He who is eight days old among you shall be circumcised, every male child in your generations, he who is born in your house or bought with money from any foreigner who is not your descendant. He who is born in your house and he who is bought with your money must be circumcised, and My covenant shall be in your flesh for an everlasting covenant. And the uncircumcised male child, who is not circumcised in the flesh of his foreskin, that person shall be cut off from his people; he has broken My covenant." (Genesis 17:10-27; Hayford, 2002).

"So Abraham took Ishmael his son, all who were born in his house and all who were bought with his money, every male among the men of Abraham's house, and circumcised the flesh of their foreskins that very same day, as God had said to him. Abraham was ninety-nine years old when he was circumcised in the flesh of his foreskin. And Ishmael his son was thirteen years old when he was circumcised in the flesh of his foreskin. That very same day Abraham was circumcised, and his son Ishmael; and all the men

of his house, born in the house or bought with money from a foreigner, were circumcised with him."

"So it was, on the eighth day, that they came to circumcise the child; and they would have called him by the name of his father, Zacharias. And when eight days were completed for the circumcision of the Child, His name was called JESUS the name given by the angel before He was conceived in the womb." (Luke 1:59)

From these two events, it is evident why most Africans connect traditional circumcision with the Jewish and Christian belief systems. The Israelites were also expected to perform circumcision as it can be seen in (Joshua 5:2-9):

At that the Lord said to Joshua, "Make flint knives for yourself, and circumcise the sons of Israel again the second time." So Joshua made flint knives for himself, and circumcised the sons of Israel at the hill of the foreskins. And this is the reason why Joshua circumcised them: All the people who came out of Egypt who were males, all the men of war, had died in the wilderness on the way, after they had come out of Egypt. For all the people who came out had been circumcised, but all the people born in the wilderness, on the way as they came out of Egypt, had not been circumcised. For the children of Israel walked forty years in the wilderness, till all the people who were men of war, who came out of Egypt, were consumed, because they did not obey the voice of the Lord - to whom the LORD swore that: "He would not show them the land which the LORD had sworn to their fathers that He would give us, a land flowing with milk and honey." Then Joshua circumcised their sons whom He raised up in their place; for they were uncircumcised, because they had not been circumcised on the way. So it was, when they had finished circumcising the people that they stayed in their places in the camp till they were healed. Then the Lord said to Joshua, "This day I have rolled away the reproach of Egypt from you." Therefore the name of the place is called Gilgal to this day. (Joshua 5:2-9)

The preceding paragraph emphasises three significant issues related to circumcision. Firstly, it refers to rolling away the reproach. In Tsonga culture, if a man is not

circumcised, he is reproached by society and is almost equal to an outcast. Secondly, after boys are circumcised, they stay in their makeshift huts or camp until they are healed. In contrast, medical circumcision requires that the boy is sent home to heal. Thirdly, the boy is given a new name, symbolising the transition into manhood. It can be argued whether a boy can suddenly become a man simply because he had been circumcised. It can be argued whether a boy becomes a man the moment he is circumcised, and it is also not clear exactly what is it that is taught in the initiation schools. This is due to the secretive nature of traditional initiation schools. The above discussion can arguably be used by those who still practice circumcision or initiation to justify the relevance of the custom or tradition.

4.3 AN OVERVIEW OF TRADITIONAL INITIATION SCHOOLS IN AFRICA

The traditional initiation school is one of the practices regarded in most African countries as a rite of passage. This cultural practice has been transferred from one generation to another. It is believed that this is the only way of transition from boyhood to manhood. According to Maluleke (2012:17), this practice is considered one of the most important milestones in the life of an African boy. The fact that most African countries still regard this cultural practice suggests that there is some value or relevance to it. Research indicates that the practice of traditional initiation plays a significant role in the reduction of Human Immunodeficiency/Acquired Immunodeficiency Syndrome (HIV/AIDS) and other sexually transmitted infections (Munthali & Zulu, 2007:3; Vincent, 2008:1). There is some resemblance between the ceremonial procedures in African countries that practice these traditional rites. In some countries, initiation schools were suspended due to the fact that youths had to be enlisted in the army; their communities did not want to be caught off-guard when the boys are either still in the initiation schools or are still recovering at home. Traditional initiation schools are still practiced in Ghana, Kenya, Botswana and South Africa, to name but a few (Maharaj, Greedy, Letsoalo & Mbiti, 2012:2). The following section presents a discussion of the African countries that still practice traditional initiation schools.

4.3.1 Initiation schools in Ghana

In Ghana, uncircumcised men are not well accepted in society (Mbiti, 2010). They are ridiculed and called by derogatory names. However, there are a few exceptional

people, like a person from a royal heritage, who may be respected even if they have not been circumcised. These insults against uncircumcised men put more pressure on families to ensure that their children adhere to the custom in order to prevent them from being treated as outcasts. Uncircumcised men in Ghana are called derogatory names such as “*bolobolo*” or “*Kortibortor*”⁴ (Mbiti, 2010). It is believed that those who are not circumcised stand a greater chance of being infected with sexually transmitted diseases. Furthermore, many parents are reported to have indicated that they would not allow their children to be married to uncircumcised men. As a result, delegates who are sent to negotiate *lobola* have to report back to the parents regarding the circumcised or uncircumcised status of the prospective husband. Children who have not yet reached a stage to be circumcised are reportedly ridiculed by their peers (Matoba, Makatsa & Obioba, 2009; Mbiti, 2010). This contributes to the high number of very young children who go to circumcision schools as a result of peer pressure. This development is not unique to Ghana, but has also been reported in other African countries, such as Kenya.

4.3.2 Initiation schools in Kenya

In Kenya, traditional circumcision is primarily performed for health reasons. Of particular concern is the use of one operating instrument on more than one initiate; this instrument is not sterilized, which it is of great concern as many diseases may be transmitted through this practice (Matoba, Makatsa & Obioba, 2009). Furthermore, circumcised men are easily accepted as part of the community, and are regarded as ready to marry. While some Kenyans have accepted modern medical circumcision, some tribes do not accept these new developments as they believe that the courage of the initiate can only be tested when he has gone through traditional initiation in the bush (Twala, 2007). Even if the boy went through medical circumcision, society still expects the boy to go through traditional circumcision in order to be accepted (Marck, 1997). There are reports of boys being kidnapped and forcefully taken to traditional initiation schools, often without the consent of their parents. According to people behind the abduction and forced circumcision, the transition to manhood can only

⁴ A derogatory slang term, used in Ghana, for the uncircumcised.

happen when the initiate has gone through the hardship associated with traditional circumcision. They argue that medical circumcision has to be undermined since anaesthetics are used to circumvent the pain which qualifies the boy to be accepted as a fully-fledged man. Research indicates that this is common throughout Africa where traditional circumcision is still regarded as the only accepted rite of passage to manhood. As in most African countries, uncircumcised men are ridiculed and regarded as boys regardless of their age. This has the potential to affect a person's self-esteem. In some areas, especially in West Africa, the circumcised boy is ready to join the secret society which has its own secrets, ceremonies and language (Magaha, 1999:10). The following section discusses initiation schools in South Africa.

4.4 INITIATION SCHOOLS IN SOUTH AFRICA

In South Africa, it is almost unthinkable for a boy in Limpopo, Mpumalanga and the Eastern Cape to be accepted by the community if he has not been traditionally circumcised. Boys who have not gone through this traditional rite of passage are considered outcasts and are often mocked by their peers; they are also ostracised by the community. If boys want to be considered real men, they have no option but to be circumcised, not only in hospitals or clinics, but in the mountain school (Peltzer, Nqeketo, Petros & Kanda, 2008:5). Traditional initiation used to take place during the winter months, however, some tribes perform the ritual during the summer months. It is commonly accepted that boys from the age of ten are allowed to take part in initiation schools, but there have been reports of boys younger than ten who were either abducted or voluntarily through peer pressure participated in these schools. Traditional initiation schools take place in the bushes not far away from residential areas, for convenience and logistical reasons. A respected traditional healer is elected to perform initiation on these boys (Twala, 2007:26). According to Mbiti (2010:117), initiation rites have profound symbolic meaning attached to them. Tribes are identified through these kinds of rituals and, as indicated elsewhere in this study, this is the only way in which a transition from boyhood into manhood can take place. What is being taught during this isolation of boys in the bush differs from tribe to tribe. Most of these activities are shrouded in secrecy and anyone who divulges these secrets is often ostracized. Some argue that boys are taught skills which will allow them to take responsibility, in society and in their families, once they are ready to do so. Twala (2007:26) argues that attending initiation school is the only way in which one is qualified to enter manhood

and be accepted within society. It is common among the tribes practicing this ritual to adopt a new name after going to the initiation school (Twala, 2007:26).

Once a boy has gone through the rite of passage, he is now believed to be ready to share in the privileges enjoyed by others who have graduated. This includes the fact that he can now get married and participate in community affairs. In contrast, it is claimed that a boy who is only medically circumcised is given pain killers and grows up not knowing what pain is. It is argued that when the medically circumcised boy faces challenges later in life, he is likely to give up quickly. In addition, the traditionally circumcised boy is able to learn the secrets and mysteries of relationships between men and women.

In South Africa, infant circumcision is prohibited, but some African families perform such circumcisions illegally. The challenge is that most traditional initiation schools remain unregulated. This exposes a lot of children to exploitation for economic purposes, especially by those who run illegal or bogus initiation schools. There are also increasing reports of substance abuse, abduction and assault on young boys. Attempts by the government to monitor circumcision schools are starting to yield results. Circumcision is just one component of the full initiation ritual, during which boys enter manhood. The particulars of the ritual vary with region and community, but it is universally considered a sacred tradition shrouded in secrecy. Details are not readily discussed in public and the tradition is regarded with the utmost respect (James, 2015:34).

Circumcision forms a major part of other cultures; many regard the full initiation ritual as essential to being a man. During the initiation ritual, young men are put through a series of “survival tests” to “prove” that they are ready to enter manhood. Besides being forced to undergo the circumcision procedure without anaesthetic, the young men are challenged over the course of the initiation process to confront pain and discomfort as proper men. These tests often include isolation, exposure to harsh elements, and strict dietary restrictions that prohibit water and healthy foods such as meat during the seven days following the circumcision (Peltzer et al., 2008). What takes place in the traditional initiation schools is not supposed to be shared with outsiders, women, or uncircumcised men. Such secrecy is important, as it is essential to keep the initiation process culturally pure. Some of these schools are under the authority of men who are

not from the same cultural background, which often leads to complications in the initiation process (Peltzer et al., 2008).

During any given year, more than 20 000 boys in each identified province attend initiation schools. The statistics for deaths and other complications associated with initiations are not fully documented and/or available. During the initiation period in some provinces in South Africa, hundreds of boys and young men are admitted to hospitals with grave and, sometimes, fatal injuries (James, 2013:35). The alarming number of young men's lives being permanently scarred by their experiences in initiation schools has drawn international media attention, and government officials and social activists alike are calling for meaningful action (James, 2014:36). According to medical practitioners, deaths and lasting injuries from male circumcision are wholly preventable. Furthermore, clinical trials have shown that circumcision reduces the risk of heterosexual men contracting HIV. The *Ulwaluko*⁵ practice of the Xhosa is discussed in the next section.

4.4.1 The Ulwaluko traditional practice of Xhosa speaking people

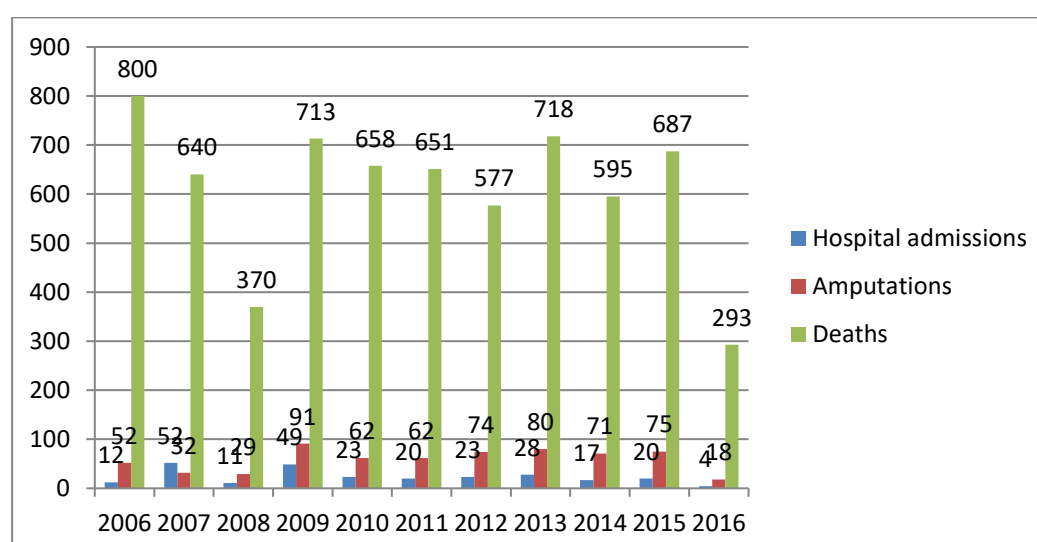
Similar to the Tsonga traditional initiation school, the Xhosa people also practice what is known as *Ulwaluko*. In these schools, boys and men alike are taught what is commonly referred to as customary values, behaviours and culture (Gopane & Ralarala, 2010). While traditional initiation is named a school, it is not an academic school with a clear curriculum; instead, it is run by traditional leaders with no formal academic qualifications. It may be argued that they were "schooled" as they learnt traditional customs through word of mouth. According to Gopane and Ralarala (2010:2), these schools are not meant to be permanent, but are only designed for a very short period of time, particularly during winter months. Boys are supposed to be in these schools for a month (James, 2014; Bogopa, 2007). It must be noted that there are still illegal initiation schools, or 'fly-by-night' schools, operating in some provinces in South Africa. These schools literally run for days or, in some cases, mere hours (Vincent, 2008:30). Fly-by-night schools are illegal initiation schools because they are not registered with local municipalities or tribal councils, as required (Rijken & Dakwa,

⁵ Circumcision in Xhosa

2013:1). The problem with illegal initiation schools is that many boys have been reported to sustain serious injuries, and some even died, over the past few years. In illegal or fly-by-night initiation schools, those who perform surgeries are often not properly qualified. They are often driven by greed, which is supposed to be prevented. According to Kepe (2010), from 1995 to 2005 in the Eastern Cape, more than 5 000 boys were admitted to hospital due to injuries sustained in initiation schools, and there were 281 penile amputations reported in the same period. In addition, 342 deaths were reported for the same period. These are worrying factors when one bears in mind that this could have been prevented if the correct procedures were followed. Sometimes these injuries and deaths are not reported until after the initiation schools have closed. Some parents only learn about their child's fate after the initiation schools have closed. By such time, it is too late for the police to get a clear picture of what exactly happened. One of the reasons why many injuries and sometimes deaths are not reported is that boys are expected to endure hardships in order for them to qualify as men. Unfortunately, some boys are not as "strong" as the traditional leaders performing these surgeries expect them to be. There are also concerns regarding the potential transmission of infections when traditional practitioners fail to use sterilised instruments, and when they use one instrument on all initiates (Kepe, 2010). Environmental and health concerns were previously reported to be behind the socio-economic challenges experienced during the initiation school season. This traditional custom is clouded in secrecy and taboo, and the circumcised men are not allowed to discuss traditional initiation matters with uncircumcised men. It is sometimes reported that traditional leaders will deny an injured initiate any form of medical attention simply because they hope that these boys will eventually heal without medical attention. Those who seek medical attention for their injuries are often regarded as weaklings and will not be accepted as real men after the closing of the initiation schools. In this school, one graduates from boyhood into manhood after one's perseverance has been severely tested. During the initiation season, assault, abduction, abuse of illegal substances such as drugs and alcohol, is common. During the traditional initiation, boys are exposed to extremely harsh conditions; they are often expected to hunt in the wild for food, and are forbidden from drinking liquids for extended periods. As a result, this sometimes causes initiates to suffer dehydration. This is a serious violation of the right to life and human dignity as guaranteed in the Constitution of the Republic of South Africa Act 108 of 1996 (Constitution of South Africa, 1996). In light of this study,

the researcher is of a view that traditional customs such as traditional initiation schools should be closely monitored and regulated. This will ensure that lives are not unnecessarily lost and that the custom is practiced in a safe environment. So far, attempts to regulate these circumcisions have had limited success (Kepe, 2010). Those who operate illegal or ‘fly-by-night’ initiation schools should face the full might of the law; this will discourage others with similar intentions. The government has indicated that steps to monitor and evaluate traditional initiation schools are in place; however, it appears that the government does not have the capacity to deal with the issue on its own. Cooperation between government and communities at large will assist in managing the crises regarding traditional initiations (CONTRALESA, 2011). There have been awareness campaigns, raids on illegal initiation schools, arrests of initiation “surgeons” and policy interventions on making initiation schools surgically safe. Nonetheless, the deaths have continued unabated (Makhanya, 2016:2). According to Chief Ngangomhlaba Matanzima, the Chair of the Eastern Cape House of Traditional Leaders, “This [the crisis] shows that a lot still has to be done. We need to continue providing the necessary support and awareness campaigns” (Makhanya, 2016:2). We need a bold reassessment of the practice of young men going up the mountain, or a remote location, to get their foreskins cut off (Makhanya, 2016:2).

Figure 4.1: The numbers of Eastern Cape initiates who have suffered injuries and died in the past 10 years: When initiation goes wrong



Source: Graphics 24 (City Press, 20 November 2016)

Khoi-San initiation practices are discussed in the following section.

4.4.2 Khoi-San initiation practices

Khoi-San initiation practices are most evident amongst the Nama and San communities (Barnard, 1992:3). As far as male initiation is concerned, there are basically two phases: teachings that take place throughout the boy's life and a hunting mission at approximately 16 years of age. As far as teachings are concerned, the elders focus on teaching these boys about community and family traditions, as well as the use of natural medicines (Barnard, 1992:3).

When a young boy reaches the age of 16, he has to convince the community elders that he is ready to enter the adult world. This is done by proving to them that he can hunt on his own. The purpose of this is for him to prove his ability to take care of himself, by providing food and water, as found in nature, for himself. Whatever the boy hunts must be an animal that can be eaten by the community. Once he has successfully killed an antelope, he has to slaughter it and take the meat back to the community. In doing so, he proves that he can provide food for the community and, ultimately, his own family. Traditionally, the hunting could take place at any time of the year. However, there are many limitations, which are seen by some of the communities as unacceptable, and as deliberate obstacles, which they believe will eventually result in the abandonment of the practice of male initiation. These challenges relate amongst others to the following:

- (a) School terms: The boys have to attend school in terms of the law and, therefore, they are limited to hunting during school holidays. Also, the fact that they attend school means that they now spend very little time with the elders, making it difficult to receive their teachings in respect of traditions, tracking and survival skills, to name a few.
- (b) Hunting season: In terms of the law, there is a specific hunting season. This means that the boys can only hunt during that season but, in many instances, there are other school activities during the school holidays which make it more difficult for boys to go back to their communities for hunting.
- (c) Hunting permits: In addition to the hunting season, there is also the requirement of a hunting permit. In some instances, the communities live very far from the nearest permit office. Also, permits for certain areas place restrictions on the kind of game to be hunted, thus making it even more

difficult for the boys to hunt animals that would traditionally be acceptable (Barnard, 1992:5). At no stage during the initiation process does any bodily mutilation or ritual concerning the physical body of the boy occur. The boy is also not subjected to any kind of physical exercise or forced to do rituals that are harmful or potentially harmful. Circumcision is not part of male initiation, and is only done in exceptional cases and for medical reasons. The related research was focussed on two areas where there is a concentration of Nama communities (Riemvasmaak and Kuboes) and two areas in which San communities are found (Askham and Kimberley) (Barnard, 1992:9). From the above, it is evident that the traditional initiation of the Khoi-San differs quite significantly from that exercised by other African communities.

Tsonga/Shangaan traditional initiation practices are discussed in the following section.

4.4.3 Tsonga traditional initiation school

Amongst the Tsonga people, circumcisions are viewed as a traditional rite of passage for a young boy to enter manhood. The schools are called *ngoma* 'drum; general word for rites'. These schools are held in winter. Boys between ten and sixteen years of age are sent to the initiation/circumcision school by their parents. Some are either abducted or kidnapped and taken to these schools, while some escape to join their peers in order to avoid being mocked or isolated by the community. Uncircumcised old men are also at risk of being taken there forcefully, if their uncircumcised status is revealed. According to certain Tsonga groups, an uncircumcised male cannot be heir to his father's wealth, cannot marry and cannot officiate in tribal rituals (Mandela, 1994:24). Furthermore, in the Tsonga tradition, an uncircumcised male cannot participate in community activities. In addition, an uncircumcised man is not regarded as a man, but remains a boy in the eyes of society. Mandela (1994:24) argues that circumcision is not just a surgical procedure, but a preparation for manhood. Mandela further argues that it is customary in circumcision schools that one must perform some daring activities before the ceremony, in order to qualify as a man (Mandela, 1994:25).

4.4.4 Transition from boyhood to manhood

In South Africa, African male initiation is traditionally used as a rite of passage from boyhood to manhood, conferring upon the person the right to participate in the decision-making processes of the clan and the family; to share in the privileges, duties and responsibilities of the community and, in many instances, to marry a woman and raise a family (The Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities - CRL Rights Commission, 2014:7). Among the Tsonga cultures, initiates can be as young as nine years old. However, in these instances, the boy is not expected to undergo additional rites before eventually marrying. Similarly, Herbst (2005:166) indicates that the main purpose of initiation schools is to mark the rite of passage from adolescence to adulthood. For the Tsonga people, the age of puberty is marked by ceremonies of initiation, particularly, by circumcision.

Initiation schools form part of cultural practices in South Africa, and are protected by the Constitution. These schools are regarded as cultural and educational institutions where initiates are taught the values inherent to courtship, social responsibility, discipline and acceptable conduct, as well as being taught about their culture (The CRL Rights Commission, 2014:8). In addition, the values taught to younger boys are critical for their social and psychological development. The role of initiation, therefore, becomes critical in steering a young man towards becoming a fully responsible man of dignity in his community.

Circumcision (called *Matlala/Madlala* or *ngoma* or *ku yimba*⁶), amongst the Tsonga people, has been practiced for many years and is still regarded as the most important custom. However, some parents first take their sons to medical doctors to be circumcised and later take them to the circumcision school so that they can be accepted within the community. Traditionally, young men are taken to initiation schools for moral upgrading in particular. It really takes men to decode young boys into great men in the community, and the circumcision school is the only institution to carry out such training. Before the circumcision, the boys are assembled before the chief and

⁶ Circumcision in Xitsonga

council of headmen who have called for the school to be conducted. The initiation school is never started unless there is a boy from the Royal family (Chief or *Induna*) who is supposed to be the first to be circumcised. Boys from the previous school are expected to supervise the candidates and serve the instructors (*Vadzabi/Vadzaberi* in Tsonga). Once all the necessary arrangements have been finalised, a lodge consisting of huts surrounded by logs, as a perimeter fence, is constructed a distance away from the village. Group huts are erected inside the perimeter fence, with only one gate. The assembled boys march from the area of the chief's house to the lodge (Magubane, 1998:91). The initiates run a gauntlet in groups. All their clothing is taken away from them as they enter the lodge. Their heads are shaved and they sit in front of the instructors (also known as 'lion-men') whose heads are covered in lions' manes (known as *dzovo*). The initiates are then hit from behind and, while their attention is diverted, the circumcision operator seizes the foreskin and cuts it off in two movements with a knife, before the initiates become aware of what is happening. The circumcised boy has now crossed (which is known as *Ku wela*⁷ in Tsonga); this is a technical expression which shows clearly the character of this rite of passage. The actual cutting of the foreskin, while a pivotal moment in the circumcision ceremony, is a small component of the entire initiation process (Steinberg & Halperin, 2002:225).

Initiates are required to develop and display personal fierceness and change of character. They are beaten for small transgressions, they sleep naked (in winter), they are not allowed to drink water, they mainly eat porridge and receive no other food from the village. The initiate is confined to the lodge and contact with the uncircumcised, especially women, who come and go for various reasons is strictly prohibited. The initiates' time is passed by learning chants (*Milawu*⁸), and hunting is the only practical skill they are said to be taught during the marginal period (Helman, 2000:13).

When male circumcision is performed on adolescents and young adults, it usually marks a transition from boyhood to manhood, the same as in many African traditional cultures. In many traditional circumcision ceremonies, boys and men are educated

⁷ Rite of passage or transition from boyhood into manhood

⁸ Traditional rules and codes

about their responsibilities and duties as an adult member of the community. The precise details of what is taught are not well documented, and are frequently considered confidential or secret (Steinberg & Halperin, 2002:225). These ceremonies often involve demonstrations of bravery and manhood to confirm that the initiate is ready and worthy to become an adult member of the community. The limited data available on the safety of traditional male circumcision point to high rates of complications and adverse events (Peltzer, Nqeketo, Kanda & Petros, 2008:64). The uncircumcised are always regarded as 'boys,' and are not considered real men, because they did not go through the ritual cultural practice of manhood. Attending initiation school and undergoing circumcision qualifies one for manhood and acceptance as someone to lead, be prominent, and culturally knowledgeable in society (Twala, 2007:25).

4.5 CIRCUMCISION PHASES

The practice is divided into three phases or stages: the separation rite, the marginal rite and the coming out ceremony.

4.5.1 Separation rite

This phase is known as a period of seclusion and 'marginality' in the sense that initiates are separated from the rest of their society (Kepe, 2010). Candidates are gathered at the chief's place before being flogged to the lodges that are built not far away from the village. Candidates leave the chief's place early in the morning and proceed to the bush or lodge. *Hogo* [boys' initiation song] and other initiation songs are sung throughout the day. The beating of drums and blowing of animal horns is also used to distract the initiation candidates. This appears to minimize the level of fear amongst traditional circumcision candidates as they will be distracted by the noise. Assault often accompanies the marching towards the lodge, as initiates have to endure hardship from the beginning to the end in order to qualify as men (Ntombana, 2009). As they approach the traditional surgeon, the candidates' attention is distracted either through beating or through loud singing. Within seconds, and before the candidate realises, the surgery is completed. No anaesthetics are provided, as the boys have to learn to endure pain. The boy has now "crossed over" (known as *ku wela* in Tsonga, as mentioned above). The only challenge is that only one instrument is used to circumcise

all the boys, which pose health challenges. Previously, circumcised boys were selected as shepherds (*Vadzabi*⁹ in Tsonga).

4.5.2 Marginal rite

The newly circumcised boy stays in the lodge, under the guardianship of a selected instructor (*Mudzabi*), for a month. The lodge is made out of logs and some thorny branches (Ntombana, 2009). It is believed that the thorny branches indicate that everything taking place there should be kept secret. Uncircumcised persons are not allowed anywhere near these lodges. There are several gates leading to the lodge, which make it difficult for uninvited guests and people with evil intentions, such as witches, to enter. The boy in the chief's family is the first to be circumcised, and he is normally afforded special rights and treatment. During this phase, initiates are prohibited from eating fresh food, meat and are not allowed to drink water for a long time. The result is dehydration, which is the cause of the serious health challenges experienced by many initiates. Initiates have to demonstrate resilience to be regarded as "men". The initiates pass the time by engaging in various traditional games, hunting, and other activities (Magubane, 1998:33).

Initiates are subjected to hard and sometimes cruel treatment to prove that they are no longer boys but men. Researcher observed during non-participation observations that notorious sticks (known as *timbuti*¹⁰, meaning goats in English) are used to enforce discipline and endurance. These sticks are placed between the boy's hands by a stronger person, who presses them together and squeezes, thus causing severe pain. These sticks may even break a person's fingers if not used properly. These sticks are the means of punishment for various transgressions, or when one is suspected to have revealed secrets (Observation – Researcher). Many initiates bear scars on their fingers long after the initiation period. Other trials to endure include beatings (punishment for even minor transgressions), unpalatable food, and exposure to severe cold. Furthermore, initiates have to learn to eat quickly, using both hands; this is a skill which should be learnt fast if the initiate hopes to survive hunger. What is strange is that the

⁹ Traditional nurses/instructors

¹⁰ Sticks used to punish initiates for violation of initiation rules

special language and expressions used during the initiation school are foreign to a Tsonga speaking person and it is not easy for initiates to make sense of these terminologies. However, initiates are expected to memorise these foreign words in order to “pass”. The intention is to use this and other codes deliberately, in order to distinguish the circumcised from the uncircumcised (Researcher’s observation). Sexual intercourse is strongly prohibited to everyone; it is believed that breaking this law will have serious consequences for the initiates, even leading to the death of initiates. Those who are involved are not supposed to visit home during the circumcision period. Married people in the village may have sexual relations, but if they do so, they are not allowed to visit the circumcision school. In addition, quarrels within families, noise and other normal activities are prohibited during this period. Those who violated these rules in the circumcision school are severely punished.

In the event of the death of an initiate in the initiation school, the families are normally notified by a cut in the edge of the pot in which the family member brings the food. Sometimes they will only learn about the death of their children’s after the closing of the initiation school. This is also the time that the police will be notified of the death; by that time it may be late to identify perpetrators, as nobody will give the police the necessary information to do so (Magubane, 1998:33).

4.5.3 Coming out ceremony

In this phase, newly initiated boys return home and are accompanied by huge ceremonies around the village and, of course, with a new status and new name. This is preceded by the washing or cleansing ritual. An appointed person applies red ochre (Tsumani in Tsonga) on the initiates. This marks the transition of the boys into manhood. The functional meaning of circumcision is to transform the irresponsible boy into a man with an adult dignity and self-respect (Magubane, 1998:33). The grass huts used during initiation are burned and initiates are given strict instructions not to look back at the burning huts. The initiates are expected to observe these kind of taboos as it is believed that there are dire consequences for violating these taboos. Admonition (*Milawu* in Tsonga meaning ‘laws’) is part of the teachings that initiates receive as part of their training both in the initiation school and after. Every morning the initiates are brought together to a place where they continue to recite the *Milawu* teachings. An

instructor monitors the boys and ensures that these laws are fine-tuned and perfected (Magubane, 1998:33).

After the initiates return home, instructors are appointed to take care of the needs of each initiate. The instructor (known as *Mudzaberi/Mudzabi* in Tsonga) is usually selected by the family of the initiate, and is highly respected by the community. This instructor is expected to coach the new initiate to be a responsible member of his community. In addition, the new initiate is expected to take responsibility in his community, act as negotiator in family disputes, and so forth (Vincent, 2008:445).

In addition, the values taught to younger boys are critical for their social and psychological development. The role of initiation, therefore, becomes critical in helping to steer a young man towards becoming a fully responsible man of dignity in his community. Their bodies are smeared with red ochre and they only wear a red cloth covering from the waist downwards and a vest with a variety of beads around the neck. This regalia symbolizes purity and the fact that he is now a man. Initiates now take on new names, hold a new status, bear new rights and new responsibilities in the community. The new initiate adopts only traditional names, and no Western names are allowed. According to Gaya (2010:35), the graduated initiates are now under pressure to live up to the expectations of men returning from an initiation school, and they are expected to be different from uncircumcised boys who are commonly known as *Maxuvuru*¹¹ (a derogatory name – meaning the uncircumcised).

4.6 DEATHS AND INJURIES IN INITIATION SCHOOLS IN LIMPOPO

The causes of initiates' deaths are most commonly attributed to dehydration, Septicaemia, accidents during operations, gangrene, kidney failure, and assault on initiates during initiation (Vincent, 2008:23). A boy who did not want to be identified said: "*I lost the tip of my penis during a botched circumcision*". Research shows that a number of young boys die or are injured due to complications arising from botched circumcisions that are conducted by unqualified surgeons (Ntombana, 2009:73). With limited access to food and water, these initiates mostly suffer dehydration and other

¹¹ A derogatory name referring to the uncircumcised in Xitsonga

complications which often lead to their deaths. It has been reported that the families of deceased initiates are sometimes intimidated into withdrawing complaints lodged at local police stations, which results in the perpetrators of such crimes escaping prosecution. This is a serious cause for concern as this is against the law. Those responsible should be held accountable and traditional leaders can play a role in exposing these perpetrators. Over the past 10 years, 39 initiates have died while 815 were injured, while some lost their manhood in the Limpopo Province (Makana & Dikgale, 2016:1). Accurate statistics for the number of injuries are not always available, as some incidents are not brought to the attention of the relevant authorities. Authorities have blamed the growing number of circumcision-related deaths on illegal initiation schools. Furthermore, it is alleged that boys are forced into circumcisions and suffer physical abuse at both illegal and legal initiation schools.

Initiates usually suffer some form of abuse. For instance, they are beaten or sticks (*timbuti*) are placed between their fingers and pressed together, pulling them in all directions as a form of punishment. Tolerance and endurance are central to this practice. It is considered “childish” or “unmanly” to complain, as initiates are expected to possess the qualities of physical endurance. In some cultures, when an initiate dies during the circumcision period, he is buried secretly and the parents are only informed at the end of the ritual. Furthermore, the dead initiate is often not publicly mourned (Vincent, 2008:23). Emmett and Butchart (2000:1) argue that “to come to terms with crime and violence in South Africa, we must get behind the masks of both the criminal and society itself – the hidden social processes that give rise to crime and violence. We must be proactive to prevent crime and violence before it occurs”. This means that criminal acts perpetrated under the guise of tradition or custom must be dealt with in the same way as other acts of criminality.

4.6.1 Cause of injuries and deaths in initiation schools

Dehydration seems to be a leading cause of death amongst initiates. Due to peer pressure, some boys do not drink water for approximately seven days before going to the initiation school, in order “to toughen themselves” up. Assaults and abuse were the second-leading cause of deaths. This appears to be a new phenomenon where the boys are beaten or assaulted to death. Alcohol use also appears to be a dominant factor contributing to the deaths of initiates. Furthermore, boys who had gone through

the same abuse during initiation often abuse other initiates. Surgical operations also appear to be a cause of death amongst initiates, as they suffer blood loss during initiation, which leads to their death. In addition, wounds become septic and gangrenous, which leads to death or amputation. Lastly, natural causes are the fourth-leading cause of death amongst initiates. Pre-screening, which would lead to boys being medically tested before going for initiation, is a process that encourages initiates to take their medication with them when they go to initiation schools, is recommended. Children as young as eight (8) and nine (9) years of age have been reported to have taken part in the initiation. There are those who believe that the younger you take them in the better, because they heal faster. The question is: Is it about circumcision or is it about initiation? Can a child become a man at eight or nine years old just because he went to an initiation school? It appears that government is on a collision course with traditional leaders, especially in Limpopo. Unfortunately, uncircumcised police officers are not allowed to enter the initiation school to investigate crime (Makana & Dikgale, 2016:1).

4.6.2 Traditional initiation schools in the Giyani and Malamulele areas in Limpopo

Communities in Giyani and Malamulele in Limpopo believe that initiation or circumcision is the only acceptable rite of passage from boyhood to manhood. Tsonga girls also attend initiation school, known as *vukhomba* (puberty or pre-marital school). Parents in these areas take their children to initiation schools established in the rural setting. Tsonga parents in urban areas send their children to the rural villages as they believe that it is an ideal environment for this purpose (Researcher's observation). Many people do not believe that a proper traditional initiation school can operate in an urban environment. This is due to logistical and other challenges.

Only those who have been approved by the House of Traditional Leadership are allowed to operate traditional initiation schools (Makana & Dikgale, 2016:1).

These schools work together with health officials to ensure the good health of the initiates (Shisana, et al, 2010:39). The researcher went to an initiation school and spent time with elderly men who relayed to him how to run a successful initiation school.

4.7 TRADITIONAL CIRCUMCISION VERSUS MEDICAL CIRCUMCISION

While initiation schools still take place in villages around the Giyani and Malamulele areas in Limpopo, research indicates that there are conflicting views amongst Tsonga people regarding traditional and medical circumcision.

4.7.1 Pro-circumcision view

The practice of traditional circumcision is still held in high esteem by certain groups amongst the Tsonga people. These groups argue that the teachings provided in initiation schools empower the graduates for life. According to this group, traditional circumcision is compatible with modern democratic standards because, firstly, it has been scientifically proven to have a significant contribution to the reduction of sexually transmitted infections, such as HIV/AIDS. Secondly, this group would like to preserve the culture and tradition they inherited from past generations and are happy that this study will assist in documenting this tradition. Furthermore, they are excited that future generations will have this important tradition in the archives; therefore, it will no longer be threatened with extinction. Sakyi (2003:132) argues that the structures, cultures, and religions of traditional leadership, as they existed in the pre-colonial era, were not documented. As a result, the history of traditional leadership in most African societies was either lost or distorted.

Traditional leadership played a very important role in the preservation of customs and traditions over the years. However, they were often pressured to abandon some of their traditions, which were seen as backward and belonging to the dark ages. The traditional leaders were held in high regard by their subjects and were responsible for maintaining systems, which often exposed them to ridicule. The institution of traditional leadership should not be subjected to the so-called electoral or democratic processes that are bent on undermining it (Mokgoro, 1994:3; Williams, 2003:1). The pro-circumcision group share Mokgoro's sentiment here, as they believe that elected representatives undermine traditions because they know that their political career is short and they have nothing to lose, therefore, they will exploit the situation for their own survival. Evidently, this group are determined to do everything in their power to protect this tradition. They hold the notion that attending initiation school symbolizes that one is not a child anymore and can have sex (Munthali & Zulu, 2007:1). Arguably, during this traditional rite of passage, initiates are given instructions and advice in

preparation for their expected new roles in society (Munthali & Zulu, 2007:1). In addition, young boys are prepared to deal with various challenges associated with life (Munthali & Zulu, 2007:1). According to this group, you cannot be regarded as a man if you are uncircumcised, despite your advanced age.

4.7.2 Anti-circumcision view

This group holds the view that traditional institutions impede the pace of development as they reduce the relevance of the state in the areas of social services, and they heighten primordial loyalties (Ntsebeza, 2006). Simply put, this group holds the view that traditional initiation schools must be discontinued, as they are not aligned to democratic values. This group has argued against the existence of traditional leadership and governance in modern governance structures. To some scholars propose that traditional initiation schools, by their very nature, compromise the democratic project underway in many African countries (Rugege, 2003). As a result, they believe that democratic governance would not be achieved while such systems continue to exist. This group argues that initiation schools belong to another time and place, rather than to a modern constitutional democracy (Rugege, 2003).

4.7.3 Integrationist (middle) view

Between the above two 'extreme' views lies the integrationist paradigm. The point of departure of this paradigm is, essentially, that a right of choice is provided in the Constitution. This means that communities should be allowed to choose either to take their children to the traditional initiation school or to be medically circumcised. Moreover, this position follows the call, in recent years, by African scholars and communities not to involve uncircumcised persons in traditional initiation schools. This call has arisen as a result of the social changes that have transformed traditional initiation schools, for instance, the emergence of health practitioners (doctors and nurses) who have not been circumcised. These communities have expressed disappointment at the imposition of a Western-style democracy, which is foreign to them. Furthermore, they believe that this Western-style democracy is based on the notion of the political and social rights of individuals, but does not respect the traditions of African people (Peltzer et al., 2009). In fact, this group has argued that problems associated with traditional initiation schools cannot be resolved by involving 'external people' to impose their view on purely traditional institutions. Thus, the integrationists

argue for the idea of allowing traditional leadership to monitor activities in traditional initiation schools without the involvement of uncircumcised persons. Alternatively, parents should decide whether or not to allow their children to be medically or traditionally circumcised. However, due to pressure from the community, this group further suggests what they describe as the integration of the two systems (Peltzer et al., 2009).

The ensuing sections present a series of discussions on the factors associated with traditional male circumcision at initiation schools.

The next section focusses on the challenges associated with traditional initiation schools.

4.8 CHALLENGES AND OPPORTUNITIES REGARDING CULTURAL INITIATION PRACTICES ASSOCIATED WITH POLICING

The Constitution of the Republic of South Africa Act 108 of 1996 provides for the following: “respect and protection of cultural and religious rights of communities; promote the right of communities to develop their historically diminished heritage, amongst other rights” (The CRL Rights Commission, 2014:4). Due to colonialism and apartheid, the ancient rite of initiation, a practice considered sacred by the majority of South Africans, is falling victim to rapid modern democratic changes (The CRL Rights Commission, 2014:4). The continuing spate of deaths and other challenges of modern society are negatively impinging on the integrity of the institution of traditional leadership in general.

There are various challenges associated with the practice of male traditional circumcision in South Africa, particularly in the Eastern Cape, Mpumalanga and Gauteng provinces (Peltzer & Kanta, 2009:96). These challenges are: incorrectly performed circumcisions; incompetent traditional surgeons or attendants; infection of circumcision wounds; gangrene of the penis; severe haemorrhage; respiratory infection; dehydration leading to penile amputation; torture and assault resulting in serious injuries, or even death. These issues have brought the practice of traditional circumcision into disrepute. The emotional and psychological damage caused by the abovementioned challenges have a life-long impact. Initiation practices are universally common to many cultures (The CRL Rights Commission, 2014:4). They come in many

forms and institutional expressions. They are historical indicators used by human communities to mark the transition from one stage of life to another. It is in fact a rite of passage acknowledging the induction of an individual or individuals into a group or society. In a sense, it recognises a social rebirth for the individual or individuals. The group into which induction is made could be an open society or a secret society (The CRL Rights Commission, 2014:6). Initiation rites are sometimes secret ceremonies, for instance, puberty rites attest to the transition from childhood to adolescence or, in some instances, adulthood. This kind of rite heralds the advent of the new status in society. Male circumcision is regarded by communities as a critical part of the institution of initiation.

Complications resulting from the improper use of surgical instruments seem to be a problem. Research indicates that many initiates are often circumcised using a single unwashed and unsterilized blade (Bogopa, 2007). This poses health risks as it can lead to infected wounds and the spread of sexually transmitted infections such as HIV/AIDS. There are reports about circumcisions that are performed with dangerously blunt instruments, which cause crude incisions.

Every year, the deaths of male circumcision initiates are reported in various provinces in South Africa. The common deaths are due to complications such as dehydration, sepsis and gangrene (Bogopa, 2007:55). Illegal initiation schools are also mushrooming, especially in most urban areas.

Other challenges include the following:

- Increase in drug and alcohol abuse at initiation sites;
- Some carers and surgeons have not been trained;
- Poor and unhealthy living conditions in initiation schools and sites;
- Initiates going to circumcision school while they are not fit for the conditions at the initiation site or school, e.g. due to a pre-existing general illness or abnormality of genital organs or other organs of the body;
- Lack of observation and maintenance of proper health standards at circumcision schools and sites;
- New/emerging diseases, e.g. HIV/AIDS and viral hepatitis;
- Unhealthy environmental conditions, e.g. swamps or dumpsites nearby;
- Lack of natural vegetation necessary for the practice;

- Environmentally unsustainable utilisation of sites;
- Most suitable land in private hands;
- Increase in initiates from single-headed households;
- Lack of civic guidance and leadership;
- Migration to the city; and
- Impact of modernisation.

4.8.1 Lack of proper programme planning and evaluation

Concerns about ‘interference’ by health personnel in initiation schools seem to be problematic in certain areas (Vincent, 2003:4). In addition, medical doctors and nurses, some of whom have not gone through the initiation schools, are allowed to enter initiation schools (Meintjies, 1998).

4.8.2 Socio-economic determinants

The commercialization of the practice is increasing, and some parents are not aware that their children are taken to initiation schools. Some legal traditional surgeons charge large amounts of money, therefore, some parents are unable to pay. Vincent (2008:3) argues that the rite continues to be practiced purely as an opportunity for economic gain for initiation school organizers.

4.8.3 Conflicting practices and leadership crisis

Health professionals are enforcing their policy and medical practice without considering the culture of indigenous communities who still strongly believe in traditional initiation practices. Traditional leaders claim to be custodians of the practice. The respect for chiefs by health practitioners seems to be non-existent. Traditional leaders want initiates to endure the pain while health professionals use painkillers and bandages to assist the injured; traditional leaders view this as undermining traditional herbs. There are cultural restrictions in the practice of traditional male circumcision, for example, women and males who are not initiated are forbidden from entering the initiation school (Gwata, 2009:5).

4.8.4 Poor environmental conditions

The bush huts where initiates stay are often unsuitable for human habitation, as they are extremely cold in winter. The unskilled practitioners and environmental conditions

often add to the suffering of initiates who are not even allowed to drink water. Initiates are provided half-cooked maize, which is full of starch and very hard to chew. In addition, any food with salt is not allowed. There are several important differences between the traditional procedures and clinical procedures adopted in the randomised controlled trials of male circumcision for HIV prevention (Peltzer, Ngeketso, Kanda & Petros, 2008:64). These include variations in the equipment used and the counselling provided to the men before and after surgery, as well as the overall context for and meaning of the surgery (for HIV prevention and health, compared with a rite of passage to manhood). Despite the differences in surgical circumcision procedures, there are many ways in which clinical and traditional circumcision services can work together (Ahmed, Mbibi & Dawam, 1999:116). These authors argue that traditional and clinical providers can collaborate to improve the safety and acceptability of male circumcision, and reduce its complications.

4.8.5 Health concerns

One of the main concerns in some of the initiation schools is that circumcisions are sometimes undertaken in non-clinical settings. This has the potential to cause significant risk to initiates. The questions to be asked are in this regard are: Is it possible to have a safe traditional circumcision? What can be done to ensure a safe rite of passage into manhood? Are traditional leaders prepared to allow health professionals to interfere with traditional circumcision? What can be done to create a balance between traditional customs, human rights and abiding by the rule of law? Answers to any of these questions will go a long way to ensuring the safety of initiates (i.e. their human rights) and traditional customs.

During the period of non-participative observation in June 2016, it was established that, while doctors can carry out circumcision traditionally or medically, some parents still prefer to take their children to initiation schools. In all of the initiation schools visited during the observation period, it was found that initiates have to relieve themselves in the bushes, as there were no toilets in any of the initiation schools. One participant said: *"...We requested disposable toilets before the start of the school. One representative from the Department of Health promised to deliver this toilet, but they were never delivered. We even have to organize donkey carts to bring water..."*

4.8.6 Illegal or ‘fly-by-night’ initiation schools

It is argued that illegal initiation schools have tarnished the image of an ancient cultural practice. There has been an increase in the emergence of fly-by-night initiation schools in recent years. Driven purely by monetary desires, these fraudulent nurses and surgeons set up schools and perform circumcisions without the knowledge of their communities and traditional councils. Circumcision is a large source of income in poverty-stricken communities where unemployment is high. Families are willing to pay large sums of money to send their boys off to become men, but this willingness to pay is too often exploited and leads to disturbingly high rates of injury and death (Peltzer et al., 2008).

These fly-by-night institutions often target underage initiates, who sometimes run away from home to gain early passage into adulthood. Boys are typically supposed to be 18 years old when they enter initiation schools, but these illegal schools frequently enrol younger boys, some as young as 13 years old, to increase their profits (Peltzer et al., 2008). There have been reports of younger boys being kidnapped from their homes and communities by illegal initiation school leaders. These young boys are not strong enough to endure the difficult and harsh circumstances at initiation schools. Media attention is skewed towards fly-by-night schools, which in turn causes the legal initiation schools to fall into disrepute because people believe they are one and the same (Peltzer et al., 2008).

Investigations into the traditional rite, and the practices of these schools, have revealed that in most cases the traditional values and convictions associated with the rite have been lost (James, 2015:33). Furthermore, the organizers often have little regard for the safety and general wellbeing of initiates. A study by Rijken and Dakwa (2013) found that, whether initiation schools are operated legally or not, the same type of treatment and incidences of injuries occur. Findings related to the number of deaths and incidences of injuries in both legal and illegal schools raise the question of whether this tradition should be allowed to exist or whether it should be abolished. James (2014:112) argues that, while the government and local communities are seen to be taking action (in terms of enacting laws and regulations), the reality is that these laws are often not implemented. Moreover, the enactment of such laws in response to

victimological problems only uses the plight of the victim to further social control, as the death toll and injuries continue to rise (James, 2014:112).

4.8.7 Bogus traditional surgeons and abduction of initiates

Reports of bogus initiation schools in other provinces, like Gauteng and the Eastern Cape, are rife. However, these actions are rare in Limpopo. It is alleged that traditional surgeons in these illegal schools pay abductors an amount, ranging from R150 upwards, if an initiate is brought to their initiation schools. Furthermore, there are youngsters in some areas who recruit others to go and, in return, the parents of the initiates are forced to pay a fee for their children to be released from the initiation schools (Bogopa, 2007:6).

Even though initiation schools have survived through centuries, the practice needs to be brought in line with modern times and technologies, and the challenges that have surfaced in more recent times need to be addressed. Communities and the media have reported that many initiates have suffered severe damage to, and even amputation of, their penises, with some resulting in death. These cases are almost without exception due to the negligence of some traditional surgeons. Some of these traditional surgeons were found to be operating under the influence of alcohol, while others were reportedly found to have used unsterilized instruments. These factors are often said to contribute to the spread of blood-related infections such as HIV and AIDS. In some cases, initiates have died from septic wounds, blood loss and/or other easily preventable results of unprofessional circumcisions. The concern is that the perpetrators of crimes such as murder or culpable homicide are rarely caught and are hardly ever prosecuted.

4.8.8 Initiation schools in urban areas

Illegal initiation schools, where children are often taken without their parents' consent, have sprung up in efforts to turn a quick profit in urban areas. It is believed that illegal traditional surgeons recruit people to kidnap children and take them to initiation schools. However, some boys voluntarily turn up at or are sent to these initiation schools by their own parents (Makhanya, 2016:2). At the initiation camps, they are subjected to intolerable abuse by the surgeons. They are beaten, deprived of water and food, and have their penises operated on in unhygienic conditions with unsterilized instruments (Makhanya, 2016:2). Makinana (2016:3) quotes Obed Bapela, Deputy

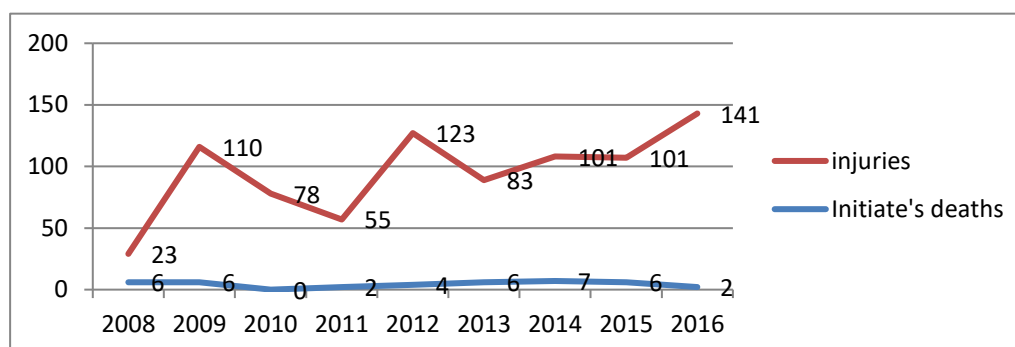
Minister of Cooperative Governance and Traditional Affairs, as saying: *“the high number of deaths is a result of illegal initiation schools and kidnapping of children. Furthermore, the unregistered schools are undermining the good work done by the government.”*

During the winter and summer holidays there was a demand for initiates and people were doing everything to recruit them, even if the recruits had already been circumcised. The initiates were either kidnapped or convinced to go. A police representative said that they have since formed a task team that deals with illegal initiation schools in the area, following a number of missing persons files being opened. Parents are worried about the boys' behaviour once they return from the mountain. It is alleged that the majority of the teenagers who had been to these schools return home as nyaope addicts and criminals, while some quit school, rob people and steal.

While government claims to be clamping down dangerous initiation schools in urban areas, little seems to be taking place in this regard, especially in the Gauteng province. Doctors, politicians and traditional leaders should work together to protect young boys and other affected persons from dangers such as penile amputations and death at the hands of bogus traditional surgeons. Sibeko (2015:1) claims that approximately 90 000 South African boys attended initiation schools in 2015. There were no reports of boys being rescued from an illegal initiation school in all the areas visited by the researcher, unlike in provinces like Gauteng where boys are reportedly forcefully kidnapped by groups of men armed with pangas, knives and sticks from their homes. During these ordeals, boys are often assaulted and abductors demand payment from the parents of these boys. The assaults are sometimes so severe that it results in unnecessary deaths. The researcher observed that, in some instances, the police do not investigate these incidents, as some traditional leaders promises to deal with reported cases within the framework of houses of traditional leadership. Figure 4.2 below illustrate injuries and deaths in Limpopo Province between 2008 and 2013. Government expressed a commitment towards a zero tolerance to deaths in initiation schools. However, there are report of increases in injuries as well as deaths of initiates in Provinces such as Mpulalanga and Eastern Cape.

4.8.9 Aims for zero initiate deaths

Figure 4.2: Deaths and injuries of initiates in Limpopo from 2008 to 2013



Source: CRL Rights Commission, 2014

The table above shows that there has been a fluctuation in initiates' deaths and injuries in Limpopo from 2008 until 2016. Table 4.2 above shows the following: Six (6) deaths and twenty-three (23) injuries recorded in 2008. In 2009, another six (6) initiates' deaths were recorded, while one hundred and ten (110) initiates sustained injuries. In 2010, there was seventy-eight (78) injuries recorded and zero (0) deaths. In 2011, fifty-five (55) initiates sustained injuries and two (2) initiates died. In 2012, four (4) initiates died, while one hundred and twenty-three (123) sustained injuries. In 2013, six (6) initiates' deaths were recorded, while eighty-three (83) were injured. In 2014, seven (7) deaths were recorded with one hundred and one (101) injuries recorded. In 2015, one hundred and one (101) injuries were recorded and six (6) deaths, which indicated a marginal decrease in deaths. Finally, in 2016, two (2) deaths were recorded, while one hundred and forty-one (141) injuries were recorded. In 2016, three hundred and twenty-five (325) traditional initiation schools were granted permission to operate (Maponya, 2016:8).

The winter initiation season in Limpopo officially ended on 16 July 2016. Although the majority of the initiation schools were supposed to have concluded their business on this date, to allow initiates to return to school on 18 July 2016, some schools (7) in Limpopo requested a week's extension in order to properly wrap up their business (Maponya, 2016:8). According to the Chairman of the provincial House of Traditional Leaders, Kgoshi Malesela Dikgale, these schools were initially scheduled to close on 16 July 2016 but they had to extend their operations due to delays in commencement (Maponya, 2016:8). There might be contributing factors to the fluctuations of deaths

and injuries. One of the reasons is that the traditional leadership, in cooperation with the police and other role players, are constantly clamping down on illegal traditional initiation schools in Limpopo. Furthermore, gaining permission to establish a traditional initiation school is a rigorous process, which results in fewer applicants eventually being granted permission. In addition, it is also important that initiates produce health certificate before taking part in, or being allowed to go to, a traditional initiation school. While the number of initiates' deaths has declined, the high number of injuries sustained during the traditional initiation school remains a concern. It is still unacceptable for even one life to be lost unnecessarily. An initiate's death is one too many. A zero tolerance for initiates' deaths or injuries will be ideal.

4.8.10 Regulation of traditional initiation schools

The Deputy Minister for Cooperative Governance and Traditional Affairs, Obed Bapela, is reported to have told Parliament that the government was working on a new policy to regulate traditional initiations (Makinana, 2015:1). The policy under consideration is supposed to criminalise all illegal or unregistered initiation schools, and would prescribe a minimum age for initiation – as some initiates were found to be as young as (8) eight years old. At the time of this study, the policy was apparently referred back to the departments in order that they deal with specific sections. One of the areas that needed engagement was whether to opt for medical circumcision, as a result of matters of modernity coming into question around issues of circumcision. It is proposed that traditional leaders would still be allowed to have an 80% role in initiation. Furthermore, only traditional doctors who have gone through the practice, who understand the culture and who are professional doctors would be enlisted and identified by traditional leaders to go in to those communities, and they would be the only surgeons who are allowed to do the procedure (Makinana, 2015:1). It is suggested that traditional surgeons will be removed from engaging in initiation, in order “to save lives and to save amputations” (Makinana, 2015:1). This proposal is expected to be met with resistance from traditional leaders who had previously warned the government against legislating on culture and traditional practices. According to Makinana (2015:1), the government considered banning traditional surgeons from performing circumcisions and only allowing qualified doctors to perform the surgeries in an effort to curb the number of deaths and injuries of initiates (Makinana – City Press, 2015-09-09). The government claims to be cracking down on dangerous

initiation schools, but it says that doctors, politicians and traditional leaders are not working together to protect boys from the worst outcomes: penile amputations and deaths. The secretive practice of initiation schools differs across cultural groups but generally involves boys camping for weeks, secluded from their families and women, and learning lessons from their elders. To qualify as a legal initiation school, boys must be pre-screened by a health professional and traditional surgeons must attend government training. According to Obed Bapela, the Deputy Minister of Cooperative Governance and Traditional Affairs, “the high number of deaths is a result of illegal initiation schools and kidnapping of children. Furthermore, the unregistered schools are undermining the good work done by the government.” The Gauteng Department of Health spokesperson, Steve Mabona, said: *“South Africa is moving to ensure the safety of boys and young men who undergo circumcisions while attending traditional initiation schools in the country. The state should be paying for doctors who had been chosen by traditional leaders to carry out circumcisions at initiation schools”* (Makinana, 2015:1).

According to the Minister of Health, Doctor Motsoaledi, the Department of Health has reached an agreement with the Congress of Traditional Leaders of South Africa (CONTRALESA), that they should choose professional circumcision doctors to help them with pre-circumcision screening, circumcision and after-care. The Minister said that the unnecessary deaths of numerous initiates, and the numerous injuries sustained by initiates in the Eastern Cape, Limpopo and Mpumalanga provinces in recent years, had warranted serious intervention by the government and traditional leaders. For this reason, his department has set aside a substantial amount of money to support safe circumcisions at initiation schools going forward. According to the Minister, this support will include health screening for all initiates at approved legal initiation schools, as well as the provision of medical consumables and transport for initiation monitoring teams (Makinana, 2015:1).

Dr. Motsoaledi said there were already eight doctors directly contracted to his department who were providing medical male circumcision at initiation schools in the Limpopo province, while eight were working with traditional leaders at Mpumalanga's 27 initiation schools, and five were working in the OR Tambo district in the Eastern Cape. According to the minister, these health practitioners conducted 22 325

circumcisions without death or injury in Limpopo in 2015: "At those initiation schools who were working with the general practitioners in the previous initiation school season, no deaths occurred." According to Doctor Motsoaledi, the bogus traditional surgeons and their illegal initiation schools are not part of the new partnership: "As government, we regard the establishment of illegal initiation schools as a criminal activity, and it must be dealt with in the manner in which criminals are dealt with" (Makinana, 2015:1).

A new law is being prepared to allow the organisers of illegal initiation schools to be prosecuted. Currently, only those responsible for assault, negligence and death are charged. One participant, a traditional nurse at an initiation school, said the new law could put him out of business. He said that he stopped registering his school because he claims it led to women interfering with the male custom. He has noticed a changing attitude towards initiation from traditional leaders in his area: "They don't want to play the leading role any more when it comes to circumcision." In the past, the different stakeholders trying to address the problem have struggled to collaborate: "Traditional leaders are worried about the eradication of the culture," "Some of them feel MMC will do away with traditional circumcision" (Makinana, 2015:3). Dingeman Rijken, a doctor who has treated hundreds of boys suffering from botched circumcisions, agrees that changing traditional leaders' attitudes is the biggest challenge; he claims That "national government departments show a lack of interest and are mostly focused on dealing with problems after rather than solving them beforehand". When Rijken developed and championed a best-practice manual for restoring the health of boys who have been through initiation schools, he was threatened with suspension from his public hospital post. The provincial health department claimed he was undermining government efforts. Unofficial initiation schools should not taint those complying with regulations: "Schools must send any boy with health problems to the hospital and health professionals can come to check the schools, but nothing more."

The registration of initiation schools with the health department will assist in the early management of complications (Peltzer, Nqeketo, Petros & Kanta, 2008:1). Furthermore, traditional surgeons are now required by law to be officially recognized and registered with the Provincial Department of Health. A law, known as Application

of Health Standards in Traditional Circumcision Act No.6 of 2001, regulates traditional male circumcision (Peltzer, Ngeketso, Petros & Kanta, 2008:2).

The Deputy Minister of Cooperative Governance and Traditional Affairs, Obed Bapela, urged citizens to report suspected illegal initiation schools or bogus traditional surgeons. The government wants to show that this cultural practice is done with care, love and in a very responsible way. Perpetrators of criminal activities in the name of traditional initiation should face the full might of the law. Bogus traditional surgeons should be arrested and successful prosecution should be ensured.

4.8.11 Monitoring and evaluation

The Chairman of the Provincial House of Traditional Leaders in Limpopo expressed concern regarding the two (2) reported deaths in Limpopo in 2016, and promised that everything in their power will be done to ensure that no life is lost in the coming initiation school seasons (Maponya, 2016:8). In addition, they had identified shortfalls, which resulted in difficulties in monitoring the schools. The Chairman is of the opinion that it would be best for them to reduce the number of permits to run initiation schools in the coming seasons. He argues that the more initiates there are, the greater the challenges. He said they would consider issuing permits to each individual chief on a biennial or three-year basis (Maponya, 2016:8).

Out of the 376 applications received in 2016, 51 operators were denied permits after they failed to meet the requirements. The majority of these initiation schools are in the Sekhukhune district, which previously had high instances of illegal operators. The Chairman of the Provincial House of Traditional Leaders, Kgoshi Malesela Dikgale, said some people were seeking to exploit the cultural practice for monetary gain; he further said: *"We will not rest until all perpetrators who violate initiation school regulations have been brought to book"*.

4.8.12 Human rights versus tradition

The Constitution of the Republic of South Africa of 1996 (Act No. 108 of 1996) guarantees people's rights to perform cultural practices (The CRL Rights Commission, 2014:10). The South Africa Constitution challenges South Africans to exercise their rights according to the values of, amongst others, respect, human dignity and freedom. However, at times, these rights conflict with legislation and some traditional practices,

thus necessitating further discussion and further public education. Mavundla, Netswera, Bottom and Toth (2009:3) are of the opinion that some human rights, such as the right to privacy, are often undermined while practicing traditional circumcision. A challenge remains that cultural rights cannot infringe upon other rights, e.g. unsafe traditional circumcision versus the right to health, the right to bodily integrity, the right to safety or the right to life. Simultaneously, while cultural spaces are shared in the South African democracy, individual communities' specific cultural practices should not be infringed upon, provided that these are legal and constitutional.

Human rights can be defined and appreciated by a wide variety of groups across a range of ideologies because they relate to the inherent dignity and well-being of every human being, irrespective of race, gender, language, culture or religion (James, 2015:35). Kuhn (2009) rightly notes that it is the distinctiveness of different cultures that contributes to the very essence of humanity. Therefore, the rights of cultures need to be upheld and protected. South Africa, as a member state of the United Nations (UN) and AU, and signatory to both the UNDHR and the African Charter, has taken great care to ensure these rights. Section 15 and Section 30 of the South African Constitution (1996) clearly recognise the right of people to freedom of belief and the right to practice and participate in the cultural life of one's choice. However, South Africa's Constitution has two parts. It also guards against the imposition of cultural practices upon an individual against his/her will. It also clearly notes that no traditional practices must be carried out in a way that diminishes an individual's fundamental rights, which are: the right to equality; life; human dignity; mental health and his/her spiritual, moral and social development (Nonyana-Mokabane, 2013). These protections are perceived as placing limitations on the traditional practices of tribal groups. The result is that fundamental human rights, values and laws are often not applied to curb harmful tribal practices if the underlying cultural ideology of the tribe is deeply inculcated within the group (James, 2015:35).

4.8.13 Balancing cultural rights with the rule of law

While the right to participate in cultural practices is provided in the Constitution, those who practice their tradition must do so while taking the rights of others into consideration, as well as the rule of law. Traditional male circumcision is regarded as a sacred and indispensable cultural rite intended to prepare initiates for the

responsibilities of adulthood (Ntombana, 2011:631). Each year in South Africa thousands of youths enter initiation schools. Tragically, scores of these initiates experience medical complications and require treatment for, among other things, septicaemia, gangrene, severe dehydration and genital mutilation. Penile amputations and deaths also occur (Kepe, 2010:730). With multiple deaths, hundreds of boys and young men requiring hospitalisation, and some having to undergo partial or total amputations, 2013 was a particularly bad year in this regard (Makudi, 2013:3).

The situation creates a moral dilemma: on the one hand, the right of people to participate in their cultural practices ought to be protected; on the other, initiates ought to be protected from harm. How do we balance these competing obligations? The researcher argues that, all things considered, our obligation to prevent serious harm outweighs the right to cultural practice. The right to traditional circumcision is limited, and should only be protected insofar as it does not result in serious harm. This does not imply that the practice should be abolished; rather, the practice should be regulated and measures should be taken to prevent harm, and these should be enforced. The SA Constitution provides for the right to participate in the cultural life of one's choice (Taylor, 1994:8). The Children's Act (No. 38 of 2005) allows for the circumcision of males over 16 years of age, with consent and carried out in the prescribed manner. The intention of the law is to allow for the traditional circumcision of boys over 16 who belong to groups in which the practice is customary. This represents a legal concession to particular cultural groups. Traditional circumcision is therefore lawful, but is it morally justified? Our Constitution establishes a right to cultural practice, but this is not uncontroversial. Are there good reasons to protect the right to cultural practice? The researcher wants to defend the claim that there are important social goods to be obtained by participation in one's culture, and that people should not be denied these social goods without good reason.

Recently, much attention has been given to cultural rights and 'identity politics'. Taylor (1994:9) argues that 'authenticity' is a social good that should be protected and that our sense of identity grows out of belonging to a culture. In the face of the dominance of Western culture, it is necessary to protect the distinctiveness of other cultures so that they do not become 'assimilated to a dominant. This assimilation is a cardinal sin against the ideal of authenticity'. Kymlicka (1995:6) similarly claims that our individual

identity is rooted in our cultural identity: 'People's self-respect is bound up with the esteem in which their national group is held. If a culture is not generally respected, then the dignity and self-respect of its members will also be threatened.' Cultural identity is important and our sense of self-worth is closely associated with a sense of belonging to a primary social group. We should therefore ensure that people are generally free to practise their cultures.

The question is: what is the extent and the nature of the harm caused by traditional circumcision? If this harm is insignificant, the practice should be allowed to continue as is. Unfortunately, this is not so; traditional circumcisions are currently the cause of significant harm to many initiates. It is important that those who practice the traditional right to passage do so within the law and with respect to human rights ideology (Kirchhoff & Khan, 2012).

4.9 SUMMARY

This chapter provided an overview of traditional initiation schools in Africa. A discussion of the religious background to initiation provided a context in which to discuss how or why various cultural groups conduct the custom of traditional initiation practice. It also highlighted the challenges posed to crime prevention and partnership policing associated with traditional initiation schools in Limpopo. This chapter also provided a discussion of the problems associated with traditional initiation schools in South Africa, such as illegal traditional initiation schools which contribute to the injuries and deaths of initiates. Cooperation between traditional leaders and the South African Police Service plays a significant role in the reduction of crime in these traditional initiation schools. However, the partnership between these role players requires resources in order to be effective. Continuous monitoring and evaluation of traditional initiation schools is necessary in order to prevent crime.

The ensuing chapter in this study, Chapter 5, presents an overview of partnership policing in South Africa.

CHAPTER 5: PARTNERSHIP POLICING IN CONTEXT: A SOUTH AFRICAN OVERVIEW

5.1 INTRODUCTION

Partnership policing has been effectively implemented in various regions in South Africa. In contrast, there have been reports of a lack of cooperation between law-enforcement agencies and other role players regarding the philosophy of partnership policing. This philosophy (partnership policing) gained popularity in South Africa in the 1990s. It evolved from community policing to partnership policing as we know it today. The police and other role players formed structures to address crime-related challenges at the local level. This is described as a 'multi-agency approach' whereby the police, the public, elected officials, government and other agencies work in partnership to address crime and community safety (Oppler, 1997:1). According to Schnebly (in van Graan, 2016:140), a basic goal of community policing involves building a strong sense of mutual trust between the police and the community, so that existing and potential crime problems can be identified and solved cooperatively. It has since become the most effective way to reduce crime and to ensure safety and security at the local level.

Research indicates that it is not possible for the police to address the issue of crime alone, without the involvement of the community. Research conducted by van Graan (2016:137) on multi-sector collaborations in community-based crime prevention initiatives makes two central points: first, van Graan argues that the police cannot effectively control crime without public support, thus, communities play a firm role in community-based crime prevention initiatives. Second, van Graan argues that community-based crime prevention initiatives are more effective in preventing crime in instances where such a project does not function in isolation, but actively engages in a co-operative relationship with other sectors. Similarly, Crawford (1997:25) argues that crime declines when citizens and law enforcement agencies join hands. In addition, these stakeholders require resources, cooperation, and mutual trust, amongst other needs. It is therefore important for the police to establish partnerships with various groups, individuals, organisations and government agencies within the community. Roman, Moore, Jenkins and Small (2002:11) posit that crime can be jointly identified and addressed by parties who have a shared vision to reduced crime in the

local area. They further argue that these can only be realised when the police, the community, and other organisations work together in partnership.

Furthermore, research shows that a successful partnership is only possible when there is cooperation and cohesion amongst partners in partnership policing (Donnelly & Kimble, 1997:493). However, Meyer and van Graan (2012:132) caution that the concept of community policing, in a symbiotic relationship with traditional policing by the SAPS, has been introduced more successfully in certain communities than it has in others. In South Africa, partnership policing gained popularity in 1997 after the Department of Safety and Security published the formal policy on community policing in the Community Policing Policy Framework and Guidelines (South Africa, 1997b). According to this Policy, the police are required to create an atmosphere for partnership policing to exist and thrive. In support of the framework and guidelines, the National Crime Prevention Strategy (NCPS) also provides a framework for a multi-dimensional approach to crime (South Africa, 1993:2). Moreover, in terms of section 205 (1) of the South African Police Service Act, 1995, the national police service should be structured to function in the national, provincial and, where appropriate, local spheres of government in partnership with other partners (Pelser, Schnetler & Louw, 2002:23).

Partnership policing has been successful in the United Kingdom, America, Kenya and South Africa, amongst other nations. It is important to note that there is no single model (one size fits all) when it comes to the type of partnership. Each community has to develop a partnership that will best address the challenges at hand, and that is suitable for a particular situation. According to van Graan (2016:137), there is no generic method for establishing multi-sector collaborations in community-based crime prevention initiatives. The design of such initiatives will depend on the unique crime conditions, requirements and resources of a particular community. While some believe that partnership policing is the same as community policing, research shows that partnership policing has evolved from community policing and, therefore, holds the status of an independent model (Oppler, 1997:2). Furthermore, Oppler argues that the development of the partnership approach in South Africa varies from area to area, and from police station to police station. Moreover, there are successful partnerships that

are well established, partnerships that are dysfunctional, and there are areas that have no existing partnerships.

This chapter presents the development of partnership policing in South Africa, as well as the various legislative and policy guidelines which govern partnerships in policing. This chapter also explores examples of international 'best practices' in partnership policing.

5.2 THE REGULATORY FRAMEWORK GOVERNING PARTNERSHIP POLICING IN SOUTH AFRICA

There are various pieces of legislation and policies that regulate partnership policing in South Africa. This includes the Constitution of the Republic of South Africa of 1996, the South African Police Service Act of 1995, the White Paper on Safety and Security of 1998 (South Africa, 1998), the NCPS of 1996 and the South African Police Service Implementation Guideline for Partnerships in Policing (South Africa, 1997).

5.2.1 Constitution of the Republic of South Africa, Act 108 of 1996

The objectives of the SAPS are to prevent, combat and investigate crime, maintain public order, protect and secure the inhabitants of the republic and their property, and uphold and enforce the law in terms of section 205(3) of the Constitution of the Republic of South Africa Act 108 of 1996. All of these objectives can become a reality when there is cooperation between the police and various communities to jointly identify and address crime-related challenges, especially at the local level. This speaks to the formation of partnerships for crime reduction and prevention. However, the formation of partnership policing has various challenges, as presented in section 5.1 of this study, which if not adequately addressed may result in the inefficiency and ineffectiveness of such partnerships. In terms of the Police Act, station Commissioners at the local level are required to establish partnerships at the local/station level in order to address crime problems. Station Commissioners should sign performance agreements that are linked to the activities of partnership policing.

5.2.2 The South African Police Service, Act 68 of 1995

In terms of the SAPS Act, 1995, provincial commissioners are also required to establish Community Police Forums (CPF) in provinces. These CPFs should be

broadly representative of the community in the area under their jurisdiction. In the 1990s, CPFs were formalised as structures that work with the police. These structures represent the broader community and play a significant role in promoting a healthy working relationship between the police and communities at the local level. Tilley (2005:758) highlights the significance of communities mobilising themselves and cooperating with law enforcement agencies to identify and solve crime problems. Tilley argues that the public has a responsibility to provide the police with information about crime in the neighbourhood. Communities have no reason to complain about crime unless they actively participate in initiatives aimed at reducing or preventing crime within the community. Communities are in a better position to provide information about criminal activities to the police, as they often know the perpetrators of crime. For this study, partnership policing and community policing refer to the same phenomenon. In 1995, the South African Police Service Act made provision for the establishment of CPFs, thus setting the stage for partnerships in policing.

5.2.3 The Green Paper on Policing, 2013

In terms of the Green Paper, the community/partnership policing philosophy means shifting from an authoritarian policing approach to a community-oriented policing philosophy (South Africa, 2013). According to the Green Paper, partnership policing does not focus solely on Community Police Forums (CPF's), but also emphasises the importance of community involvement in the policing of their environment, in collaboration with other role players. Partnership policing speaks to the manner in which communities involve themselves with law enforcement agencies in order to ensure safety and security at the local level. Active participation and involvement by citizens is one of the strategies that can assist in the reduction of crime within communities in South Africa.

According to the Green Paper on Policing (South Africa, 2013:37), CPFs have a critical role to play in building relations between the police and the communities they serve. The CPFs' roles are to:

- Build cooperative relations between the police and communities;
- Ensure effective communication between the police and communities;

- Share information regarding crime to assist the police and educate communities;
- Act as an instrument of building local community partnerships with the police; and
- Ensure that the police are accountable to local communities.

The White Paper on Safety and Security of 1998 follows for discussion.

5.2.4 The White Paper on Safety and Security, 1998

Burger (2011:81) posits that the White Paper on Safety and Security provides the means for the realisation of the vision of improving safety and security for all citizens in South Africa. In addition, the White Paper emphasises the significance of accountability and community participation in crime reduction initiatives by various role players (South Africa, Department of Safety and Security, 1998).

In terms of the White Paper, there is a need for an integrated approach to crime prevention and reduction. In essence, various role players should participate equally in the development and implementation of crime prevention at the local level. While it is important to assume various roles in the partnership, it is important that all partners be afforded the necessary respect and be treated as equals in the partnership. According to Burger (2011:81), the White Paper on Safety and Security is the most relevant and clear direction indicator for crime prevention. Burger further argues that the White Paper on Safety and Security provides effective crime prevention strategies for partnerships between government bodies and structures of civil society. According to Palmiotto (2011:157), commitment, involvement and trust among partners are some factors that will ensure effective and efficient partnership policing.

The White Paper clearly highlights the roles and responsibilities of all role players in the partnership. However, partners in certain areas where partnerships were established continue to have disagreements in terms of their expected roles. This, in some instances, resulted in ineffective partnerships (Minnaar, 2004:9). It is important that various role players are involved in partnership policing to ensure that such partnerships represent all sections of the community. These partners may include civil organisations, the business community, Non-Governmental Organisations (NGOs), and others. Each role player has a unique role to play in the fight against crime. The

White Paper emphasises the significance of effective crime prevention by way of Community Crime Prevention (Minnaar, 2004:9). Moreover, the White Paper encourages communities to take responsibility for crime prevention in their neighbourhoods (Minnaar, 2004:10). Furthermore, communities were empowered to participate in localised programs, which mobilise a range of interest groups to address crime prevention in a town or city (Minnaar, 2004:10).

The success of any policing partnership obviously requires the availability of resources at the local level. In some areas, there was a need for the establishment of Section 21 Companies (not for profit) to ensure that any donations provided for the partnership comply with Treasury regulations. In certain areas, the SAPS and other role players established Community Police Forums (CPFs) to co-ordinate, and co-operate in, anti-crime initiatives, as well as crime combating and prevention exercises (Minnaar, 2004:11). The Policy Framework and Guidelines for Community Policing is discussed in the following section.

5.2.5 The Policy Framework and Guidelines for Community Policing, 1997

The introduction of the Policy Framework and Guidelines for Community Policing in 1997 clarified the roles and responsibilities in partnership policing (South Africa, 1997b; Burger, 2011:97). It focuses on joint identification and addressing crime at the local level. These guidelines outline the approaches required for partnership policing. For instance, the guidelines emphasise the significance of clearly defined roles with the intention of making the partnership effective and efficient. It also provides guidelines pertaining to accountability, resources, and training role players in the policing partnership.

The policy framework had to ensure that there is active participation in partnership initiatives at the local level (South Africa, 1997b:1). Moreover, the policy framework addresses governance matters related to partnership policing, for instance, to ensure that resources are pulled together to address crime challenges (South Africa, 2009). All role players are required to cooperate with law enforcement agencies to jointly identify and reduce crime, and to ensure the provision of quality service delivery. The framework and guidelines provide guidelines for effective partnership policing in support of the National Crime Prevention Strategy (NCPS).

5.2.6 The National Crime Prevention Strategy, 1996

The NCPS of 1996 makes provision for a framework for crime prevention approaches at the local level (Rauch, 2002:9). This was in response to concerns regarding high levels of crime. The SAPS management was obliged to develop a strategy to address these high crime levels. One of the strategies was to develop a plan that would address crime at the local level, which essentially refers to the establishment of partnership policing. The NCPS provided a platform that would enable various role players to collaborate for crime prevention. However, the police developed the strategy without the involvement of any other role players. As a result, the communities were negatively affected by the implementation, due to the lack of cooperation.

The main objective of the strategy was to shift away from a policy of “crime controls” towards a philosophy of “joint crime prevention” (Newham, 2005:2). The crime prevention approach advocated by the NCPS came about due to the understanding that the police cannot deal with many of the economic, social and environmental causes of crime (Newham, 2005:3). Burger (2011:23) posits that the NCPS was a good example of an excellent policy statement which, in practice, did not achieve the desired results. It emerged that the NCPS was ineffective for reasons such as a lack of political will and a limited budget, to mention but a few challenges.

5.3 THE DEVELOPMENT OF PARTNERSHIP POLICING IN SOUTH AFRICA

Partnership policing has gone through various stages since the 1990s. Some of these stages were easy, while others were not. Challenges within these partnerships continue at this stage, as role players are unable to find common ground. The relationship between the police and communities in South Africa prior to 1994 was not good. Furthermore, communication between these groups was non-existent. This is because communities were afraid of victimization as a consequence of their cooperation with the police, particularly in the townships. During the apartheid era, communities used to deal with the so-called “informers” (known as Impimpis) very harshly. As a result, communities would not provide information about crime to the police for fear of victimisation. Moreover, the police, particularly, the security branch, perceived most black people as terrorists and were very hostile towards black people in the townships. Habermeld and Carrar (2008:262) posit that poor communication between law enforcement agencies and citizens is likely to have a significant bearing

on crime trends. According to Oppler (1997:1), partnerships in policing used to fall under the auspices of community policing but have since evolved into an independent model.

According to Pelser et al. (2002:24), the first reference to a proposed formalised approach to regulating partnerships in policing was made in the Interim Constitution, Act 200 of 1993. Fleming (2005:3) defines partnership policing as a “multi-agency approach” in which the police, the public, elected officials, government and other agencies work in partnership to address crime and community safety. In the 1990s, the police came to realise that they would no longer be able to deal with crime alone, and that they needed the cooperation and involvement of the communities they serve. Marais (1993:114) is of the opinion that the police cannot exist in isolation and/or operate on their own. According to van Graan (2016:140), the adoption of community policing in South Africa, after the country’s birth of democracy in 1994, has brought about increasing acceptance that communities play a significant role in crime prevention. This increased focus on community policing in South Africa represented a fundamental shift in the public-private crime prevention relationship.

According to Marais (1995:5), tackling crime should be a partnership matter, with key local organisations working together to achieve a shared goal. Moreover, no single organisation can hope to reduce the incidence of crime on its own. This means that local organisations need to work together to develop comprehensive solutions for improving a community’s quality of life. Partnership policing was trialled in various localities in South Africa; some were successful while others were not. Some communities rejected initiatives for the establishment of partnership policing because there was no trust between them and the police, and they could not believe that the police have good intentions. This lack of trust is still evident in some communities, and these communities are reluctant to collaborate with the police, as they fear victimisation. These communities fail to understand that such partnerships provide them with an opportunity to jointly identify and solve crime-related problems, and to ensure their safety and security.

5.3.1 Building partnerships

South Africa has a history of separate development, which resulted in eleven (11) policing agencies that have since been amalgamated into one police organisation, that is, the SAPS (Burger, 2011:96). This required a paradigm shift in terms of the way various police formations used to deal with crime; attached to this are the various cultures of both the community and the police during the apartheid era. In any kind of relationship, trust forms a basis for the success of such a partnership. Earning trust continues to be a challenge in certain communities. To build partnerships, both the police and community leaders worked tirelessly to establish structures such as CPFs and CSFs. The commitment of these leaders resulted in the partnerships in policing that we have today, and signalled a departure from the past.

Eckblom and Wyvekens (2004:1) argue that forming a partnership is a way of enhancing performance in delivery. In addition, it ensures a common goal, by taking joint responsibility and the pooling of resources by different agents, regardless of whether these are public or private, collective or individual. Moreover, partnerships enable both the police and citizens to work together to reduce crime (Segrave & Ratcliffe, 2004:2).

Partnership policing requires the active involvement, collaboration and cooperation of various role players within the community (Pelser, 1999:10). This includes citizens, state security, as well as intelligence and law enforcement agencies, to name a few. These role players should participate in programs that lead to joint decision-making. The objective of such deliberation should be to promote safety and security in society. Partnership policing requires several decisions and actions, including the following:

- Collective identification of disorder and insecurity within the community.
- Collective identification of human, material, normative, financial and other resources, in the community, for the containment of disorder and insecurity.
- Collective agreement on the allocation of roles, and the allocation of resources, amongst other matters.

Moreover, these decisions and actions require a platform for deliberation, consultation, mobilisation and accountability within the community.

5.3.2 Partnerships at the local level

Partnership policing at the local level is contrary to strategies such as NCPS. Partnerships in policing should benefit local communities (Lamb, 1996:322; Oppler, 1997:10). Moreover, partnerships provide communities with the opportunity to participate in addressing their concerns in respect of the policing of their area, and to put forward crime prevention strategies. Partnership building involves a collaborative approach, which enhances service delivery at the local level (Forman, 2004:6; Corder, 1998:11). At this level, role players should determine their own policing needs, the style of police work that would be effective and appropriate, and the relevant forms of police intervention (Marks, 1997:3).

According to Skogan (2004:55), citizen involvement within the community will result in the reduction of crime. Furthermore, Skogan argues that community members should assist the police by being their “eyes and ears” (Skogan, 2004:55). The lack of support from the local community makes an indirect contribution to crime trends. To reverse the negative impact, partners are required to be actively involved in policing matters at the local level (Hughes, 1998:92). In this study, the primary partners are traditional leadership and the police. Community partnerships can be implemented in a variety of ways, such as participation in neighbourhood watch programmes and volunteering in patrols (Travis, 1996:5). The principle of finding local solutions for local problems is important (Oppler, 1997:3).

5.3.3 Community Police Forums

Stevens and Yach (1995:21) view CPFs as a group of people comprised of the police and different sectors or interest groups, within the community, that meet on a regular basis to discuss problems emanating from their communities. There is legislation that governs the existence and operation of CPF structures in South Africa. Participation in a CPF is a voluntary community service, according to the Community Policing Framework and Guidelines (South Africa, 1997b). Community Safety Forums are also a partnership approach to addressing crime within a specific geographic area. In the early 1990s, the SAPS was required to devise crime prevention strategies that would involve communities, hence, the establishment of structures such as CPFs.

5.3.4 Challenges experienced by Community Police Forums

Community Police Forums deal with various challenges on a continuous basis (Mabunda, 2014:23). They play a significant role in partnership policing. While some of these challenges may be resolved at the local level, some require national intervention (Mamosebo, 2014:43). CPF members often complain that only senior officers (namely the Station Commissioner or his deputy) attend their meetings. They further claim that police members at lower ranks do not participate in these meetings. According to Mamosebo (2014:23), CPFs should not be elitist formations of prominent community leaders and senior police officers, but should involve even marginalised people at the grassroots level and junior police officials. Ordinarily, lower ranking members of the police should attend these meetings because they come into contact with, or interact with, community members on a daily basis while performing their duties.

Mamosebo (2014:43) further argues that CPFs do not have adequate resources. Moreover, CPF members feel neglected and are often not treated as equals by SAPS members. As a result, some CPF members have developed a negative attitude towards the police. There is a need for a paradigm shift on the part of both the CPFs and the SAPS.

5.3.5 Community Safety Forums

Community Safety Forums (CSFs) are a unique partnership between the state, civil society and communities (Griggs, 2003:5). The Community Safety Forum is an approach in which various agencies/stakeholders develop joint plans of action and implement projects through the line functions of each participating department (Velthuisen, 2007:3). These stakeholders pull their resources together with the objective of reducing crime in the neighbourhood. According to Pelsier (2002:17), CSFs operate by seeking to develop a common vision around safety and security. Community Safety Forums are based on the premise that increased co-operation and interaction would improve the functioning of, and deliberations within, the local criminal justice system as well as the delivery of crime prevention projects. The CSF does not aim to replace or duplicate any existing structure or forum at the local level. It serves solely as a coordinating structure for collaboration, integrated planning and implementation at the local government level. Therefore, its main intention is to

replicate the co-ordination and monitoring functions of the criminal justice system in order to streamline and enhance integrated planning at the local government level. Since the concept of the CSF is closely related to Community Policing, a clear distinction needs to be drawn. Community Safety Forums are meant to facilitate the delivery of a multi-sectoral governmental approach to safety in local communities, and is distinguished from the CPF through its jurisdiction and tasks (Community Safety Forums Guideline, 2010). According to Velthuisen (2007:5), the objectives of CSFs are to:

- Bring about peace and stability in communities through an integrated and coordinated structure that incorporates all relevant stakeholders within a local municipal boundary;
- Facilitate the development and implementation of local crime prevention initiatives and the elimination of unnecessary duplication; and
- Provide improved and mutually beneficial two-way communication and interaction between the state and communities around community safety issues.

In terms to Section 201(1) of the South African Police Service Act, 1995, CSFs are a partnership between the police and the community. Establishing CSFs is complex and requires resources (Pelser et al., 2002:27).

5.3.6 Implementation of partnership policing

The implementation of partnership policing in South Africa continues to be a challenge, for various reasons. The success of partnerships in policing differs from one area to another, and there are different reasons for this: a lack of commitment from partners; police culture; a lack of trust by communities, and other factors (Oliver, 2004:245; Fleming & Rhodes, 2005:193). In certain areas, the SAPS manages to convince communities of the importance of collaboration in order to ensure the effective implementation of partnership policing, while all efforts to implement have failed in other areas. They succeeded in launching community projects such as victim assistance programmes, joint problem identification, and adopting a pro-active approach to crime prevention in areas such as Soshanguve (Mabunda, 2014). Lack of leadership, inadequate resources, the lack of accountability, communication and the lack of trust are the main inhibiting factors, amongst others (Mabunda, 2014). While partnerships in policing can have a positive impact on reducing crime and the fear of

crime, poor relationships between the police and communities seem to be a major obstacle to effective policing (Delson & Shiner, 2006:241; Redelet & Carter, 1994:23). In support of this, Zinn (2010:167) is of the opinion that a combined effort by all citizens and the police is needed to deal with crime. Furthermore, Skogan (2006:111) posits that there is a need for citizens to “buy-in” to any crime prevention initiative for such a programme to be effective. Building a partnership is not an event, but a process, which requires significant financial and organisational investment.

5.4 CRITICAL SUCCESS FACTORS OF PARTNERSHIP POLICING

Burgers (2011:29) argues that the public and the police should cooperate in order to ensure effective and efficient partnership policing. Moreover, it is important to ensure conditions that make shared responsibility and ownership of the partnership at the local level possible. In addition, the partners involved in the partnership should be in a position to understand their roles and responsibilities (Goldstein, 1990:67). The success of partnership policing depends on a variety of factors, as outlined in the discussion to follow.

5.4.1 Cooperation

Cooperation between the police and communities plays a significant role in the partnership (Oliver, 2004:245). The degree of cooperation depends on the form of partnership, and it varies from one partnership to the next (Davis, Henderson & Merrick, 2003:286). There is a belief that the community always wants to assist the police with information related to crime. However, these communities are often reluctant to do so due to the perceived hostile attitude of law enforcement agencies. Further, the police would like to cooperate with community members in order to obtain information pertaining to crime within the community. There is a need for a paradigm shift in order to enhance the degree of cooperation in partnership policing at the local level. This will ensure peace and security as well as the reduction of crime. The community has a responsibility to support the police in dealing with crime. At the same time, the police have the duty to ensure the safety of all citizens, and to ensure that they establish a strong relationship with the community (Brogden, 2004:14). The role of the police is that of an accountable professional practitioner and a community leader who harnesses community resources to tackle problems leading to crime and disorder

(Oppler, 1997:3). The result of a strong relationship between the police and the community is peace, safety and a decline in crime levels.

The respect that the police command in the community will ensure success in their duties (Rauch, 2002:23). This means that there should be a relationship based on mutual trust between the police and the community. This means that the police must have a better understanding of the community's needs and aspirations, and involve the communities they serve in policing initiatives (Burger, 2011:143; Daft, 2000:253).

5.4.2 Relationship built on trust

Partnership policing is effective in an environment where there is trust amongst role players. Daft (2000:252) argues that crime prevention at the local level requires that both the police and communities should be responsible for taking ownership of the partnership. The community are more likely to provide information to the police when they are sure that they can trust the police. Moreover, the community would not risk their safety and security unless they are certain that they will not be victimised for doing so. Partnership policing can take a variety of forms, for instance, partnerships against domestic violence, partnerships against drug abuse, and so forth. Role players may bring skills, resources and knowledge, which will eventually ensure effective and efficient partnership policing. It is important to note that a good working relationship requires continuous engagement amongst role players in the partnership.

5.4.3 Collaboration

Miller and Hess (2005:175) posit that collaboration takes place when the police and other role players commit to work with each other and pull their resources together in order to achieve a specific goal. According to Blank, Rollins and Ingacio (1999:3), collaboration means working together. In this instance, it means that the police and the community work together to identify and solve crime. This can only be possible when there are clearly defined roles and responsibilities in the policing partnership (Popay & Williams, 1998:411; Stevens, 2003:20). According to Miller and Hess (2005:179), trust and collaboration appear to be easier to establish in middle-class and affluent communities than they are in poorer communities. In this regard, establishing trust and collaboration amongst lower-income neighbourhoods/groups seems to be more difficult. Redelet and Carter (1994:34) argue that the community and the police must

jointly identify specific concerns that affect them, and address those issues as a collective. This is because role players often battle for the few resources available to them, which can easily lead to unnecessary tension (Gilling, 1997:92).

5.4.4 Resources

The lack of, or inadequate allocation of, resources is likely to result in ineffective partnership policing. According to Sarre (1997:29), the availability of resources will ensure that the police are able to provide quality services to the communities they serve. Cameron (2002:17) is of the opinion that, when resources are available, the police will have no excuse for their failure to render quality services to the community. According to Sarre (1997:29), resources enable officers to work closely with communities and to engage a broad range of community groups.

Cameron (2002:17) is of the opinion that communities are often not equipped with the expertise or resources to tackle many of the crime-related problems that are of concern to them. In support of Cameron, Redelet and Carter (1994:34) argue that the community and the police must jointly identify specific concerns that affect them and address those issues as a collective. Finance, logistical support and human resources are required to implement partnership policing. The Community Policing Forum, together with the police, is responsible for evaluating the availability of resources, and formulating ways and means to activate and mobilise such resources.

The business community also has a role to play in partnership policing, and their contribution is very important for the successful implementation thereof (Oppler, 1997:5). In this regard, most businesses suffer considerable losses due to crime, and have to acknowledge that crime is a risk to their enterprises. Moreover, their business is part of a local community; therefore, it should be in their own interests to help to combat crime and to ensure safety and security. Furthermore, businesses have the opportunity to contribute directly and indirectly to the quality of life in their local communities. In addition, business leaders can offer their ideas and their managerial and problem-solving skills to local partnerships. For instance, they can fund short-term projects through charitable donations and sponsorships for youth programmes. This will ensure that the youth is always engaged in activities, which will divert their

attention from anti-social behaviours. It is evident that the business community is a major partner in the partnership approach.

5.4.5 Participation or involvement

Community participation is the cornerstone of partnership policing (Sarre, 1997:20; Stevens, 2003:19). Participation or involvement in partnership policing should be voluntary. The partnership approach to policing emphasises that relations between the police and public should be consultative. Furthermore, the community and its leaders must be involved in determining the policing needs at the local level. Partnership policing means that the police take “a proactive leadership role in bringing disparate community groups such as the public, elected officials, government and other agencies together to focus on crime and community disorder” (Oppler, 1997:1).

5.5 CHALLENGES IN PARTNERSHIP POLICING

Research points to a variety of reasons for ineffective partnership policing in certain parts of South Africa. Both the police and the community have been found wanting in some instances. Robinson (2003:656) argues that the community, the police or any other role player may cause problems in partnership policing. Furthermore, the absence of strong leadership may also have a negative impact on partnership policing (Segrave & Ratcliffe, 2004:3). Sometimes, some community members do not wish to work with the police for various reasons. This often results in an increase in crime levels, as the police cannot address and solve crime on their own (Long, Wells & Leon-Granados, 2002:231).

A lack of trust is another challenge in partnership policing. Trust is a significant element in any partnership (Frances, 1991:15). According to Tyler and Yeun (2002:200), police officers react to perceptions of distrust. In addition, the police are more likely to distrust a community that is uncooperative (Novak & Alarid, 2003:63; Fox, Fourie & Van Wyk, 1998:185).

A lack of resources also has a negative impact on partnership policing. Government must supply resources to the police in order to render quality services to citizens. According to Homel (2004:49), effective partnership policing can only be realised when adequate resources are available for the police and other role players in the partnership. The police often complain about the lack of resources as the main reason

for their late response to crime, especially in the townships. Crawford (2003:160) argues that competition over resources often constitutes a central battleground in inter-agency conflicts. This is what often happens in police stations where some officers abuse the available resources. Management should ensure that resources are evenly distributed, managed and shared. This will ensure that the objective of partnership policing, which is the reduction of crime, is achieved.

In addition, van Graan (2016:146) is strongly aware of and sensitive to the fact that efforts to sustain meaningful and innovative partnerships between multi-sectors such as the police, communities, the business sector and private security businesses remain profoundly challenging for all these sectors. Van Graan has identified the following aspects as the main inhibiting factors in establishing effective and sustainable multi-sector co-operation in the prevention of crime:

- increasing demands on limited police resources,
- the reluctance of residents to become active in crime prevention efforts,
- community-based crime prevention initiatives that function in isolation,
- poor management and leadership of community crime prevention initiatives,
- insufficient funding to develop infrastructure of community crime prevention initiatives,
- community crime prevention initiatives that are established on an ad hoc basis, and
- many community crime prevention initiatives are so weak that they fail to mobilize the community in a joint effort in an effective campaign against crime.

International best practices follow for discussion.

5.6 INTERNATIONAL BEST PRACTICES

Research shows that partnership policing has been successful in many countries around the world (Oliver, 1998:288). According to Edward (1999:13), community partnerships play a significant role in crime reduction and are critical for effective partnerships. In the examples presented below, police agencies and other role players have demonstrated a strong commitment to the success of partnership policing. Moreover, these partners committed themselves to the identification of problems,

which affect public safety. Furthermore, these partners made a commitment to share resources and information in order to ensure the safety of all citizens in their neighbourhoods.

Partnership policing may consist of a wide range of groups such as neighbourhood watch groups, faith-based organisations, business groups, Non-Governmental Organisations (NGOs), social service groups, and Youth formations, to name a few examples. These entities bring their skills, knowledge and resources to the partnership, all of which ensure a successful partnership. These successful countries have also utilised information technology to improve citizen communication and to make public safety information more timely and accessible. The examples below are some of the best international practices in partnership policing.

5.6.1 Partnerships in policing in Kenya

In Kenya, SaferWorld formed a partnership with the community, in 2003, to deal with crime-related problems. These partnerships became successful and were effectively implemented (Tilley, 2005:37). SaferWorld is a non-profit and independent international organisation that works to prevent violent conflict and build safer lives. The partners identified two pilot sites for the partnership. The first site was Kibera area, which had the challenge of rampant crime (Haberfeld & Cerrar, 2008:247). This area was experience the serious challenge of crime affecting community members. Awareness campaigns highlighted the dangers of involvement in crime, in general, and drugs in particular. Community members in the area gradually gained greater confidence to openly discuss, with other role players, the safety and security issues that confronted them in their day-to-day lives. More opportunities for new partnerships emerged from this; for example, the local development fund, the Lang'ata Constituency Development Fund and Adopt-a-Light, which put up high-mast flood lights in the area to light up the dark alleys frequented by criminals. As a result of these initiatives, crime declined by up to 40 per cent, and trust between the police and residents improved (Haberfeld & Cerrar, 2008:247).

The second pilot was in the Isiolo area (Mbogo, Ndung'u, Campbell & Rai, 2008:3). In this area, there was a high level of youth unemployment. This, coupled with other social challenges, led to increased levels of drug abuse and prostitution. The

proliferation of small arms was also a big problem in the area. The first step was to raise awareness and support for the philosophy and principles of partnerships in policing. A partnership agreement was established to formalise the partnership. A steering committee, which included a representative of communities, the Kenya Police and the Local Provincial Administration, was established (Mbogo et al., 2008:11). The pilot was also a success because all partners were committed to dealing with crime in the area.

The Wandsworth partnership is discussed in the next section.

5.6.2 The Wandsworth partnership

Wandsworth's partnership in policing is one of the most successful examples in the UK (Gilling, 1997:7). Its main aim was to address the high levels of crime that occurred in 1994 (Skogan & Harnett 1997:35). The objective of this partnership was for the police and the community in the area to jointly identify and address these high levels of crime, which at the time seemed to spiral out of control. There was an influx of people, from all parts of the world, who sought residence in the area; this resulted in the sudden increase in crime. It is common knowledge that uncontrollable access to an area brings with it various social and economic needs which, if not met, may result in the manifestation of crime. The original residents felt vulnerable at the time and decided to form a partnership to address crime that arose due to the growth in the population. These partners resolved to establish 20 wards, each with a "safer neighbourhood" team. The Wandsworth partnership consisted of the Wandsworth Borough Council, Metropolitan Police, Wandsworth Fire Council, Wandsworth Primary Care Trust, London Probation Service, the Youth Offending Team and a number of specialist delivery teams, all of which were invited to form a core group whenever necessary (Skogan & Hartnett, 1997:5).

Shortly after the establishment of the Wandsworth partnership policing, criminals moved from area to area. These criminals found that their chances of success were limited and they could no longer operate freely in their illegal criminal activities. This resulted in a decline in crime levels in the area. The Wandsworth Community Safety Partners (WCSP) were committed to working with other agencies to make the area a safe place. The WCSP is the equivalent of a Community Police Forum (CPF) in South Africa. Moreover, the "Disorder Reduction Plan" came into force to target offenders

and hotspot locations. The partners targeted those issues that mattered most to residents and businesses, with the aim of delivering improved quality of life and confidence in policing. The plan provided greater scope for community involvement and the development of coordinated communication and engagement (Jones & Newburn, 1994:42). As a result, the quality of life of residents in the area improved as residents could now move freely without fear of falling victim to crime. Furthermore, the residents in Wandsworth played a major role in this initiative in that they provided information that could prevent many crimes from happening in the first place, and they assisted in solving those crimes that did take place (Sullivan, 2002:57). Jones and Newburn (1994:43) posit that cooperative relationships, which include the exchange of information and intelligence, the sharing of equipment and facilities, and the undertaking of joint operations, can contribute to the reduction of crime.

These partnerships could jointly organise roadblocks, raids and other community safety initiatives that included key role players from the community and resulted in the launch of the partnership charter. In the London borough of Wandsworth, the Metropolitan Police appointed an officer to examine planning applications and offer advice on designing features that might prevent crime (Home Office, 1993:29; Jones & Newburn, 1994:175). The Wandsworth partnership policing project is an example of how successfully communities and other partners can pull their resources together to reduce crime (Rhodes, 1997:11). Wandsworth is one of the safest places to live in London and had the lowest crime rate in the 1990s.

5.6.3 The Chicago Alternative Policing Strategy (CAPS)

The Chicago Alternative Policing Strategy (CAPS) started in 1993, as a pilot project. This project was concentrated in five diverse neighbourhoods in Chicago in the United States of America (US). Its objective was to mobilise resources with the aim of ensuring safety and security in the affected neighbourhoods. Community members were encouraged to join hands with law-enforcement agencies in an effort to reduce crime. The partnership was effective in that the crime rate declined. Moreover, strong relations were developed between the community and the police in the affected areas (Skogan, 1995:5). Trust between the community and the police was the cornerstone of the CAPS, as partners not only contributed materially, but also developed crime reduction programmes, which resulted in peace and stability in the affected areas.

CAPS is a community-oriented philosophy of policing and crime prevention, in which the police, community, and other government agencies work together to identify and solve crime (Skogan, 1995:5; Connell, Miggans & McGloin, 2008:128). It is characterised by four key elements:

- Expanded police presence on the beat,
- Community involvement,
- Support from other agencies, and
- Proactive problem solving

The strategy was a great success. CAPS set an example of what effective partnerships can accomplish.

5.6.4 The status of partnership policing in South Africa

While partnership policing in South Africa falls under the auspices of community policing, it has developed as an independent model (Mabunda, 2014). The prescribed SAPS framework and guidelines for the establishment of police/community partnerships is considered the best way forward for policing in South Africa. The neighbourhood watch groups, in the 1980s, were a type of partnership policing; they have since evolved to what we know as partnership policing today. The police and the private security industry worked in synergy, but only served a section of the community (white community) in the suburbs, while the former SAP concentrated on policing apartheid in black townships. This all changed with the advent of democracy in 1994.

Various partnerships became a reality in different parts of South Africa since 1994. For example, a partnership between the youth and the police has developed in Orlando, Soweto; this partnership has established a youth sub-forum to address the high rate of crime amongst the youth in the area. In Gallo Manor, a northern suburb of Johannesburg, the domestic workers of the area have formed a sub-forum to work in partnership with the police in order to counter the problem of burglaries. The Benoni SAPS, in partnership with the local chamber of commerce, has created a business watch with a kiosk in the centre of town, to encourage the reporting of and action against crime in the Central Business District.

In 2000, the City Improvement District (CID) in Cape Town instituted a programme of urban renewal for urbanised areas (Minnaar, 2004:11). The objective of this

programme was to address the issue of crime and the provision of other services. Moreover, the business community was concerned with the impact of crime on their businesses, and they wanted to ensure that an environment conducive to safe business practice was in place. These partners agreed to mobilise resources and to involve private security for the protection of their properties. It emerged that the nature of this agreement was largely “co-operative and interactive”. The only problem with this partnership was that the SAPS appeared to be “superior” to the other role players. This created tensions at the beginning, however, the partnership eventually became a success and crime declined significantly. Moreover, there was a strong element of constant communication not only at the street level but also by means of regular meetings between the groups. In addition, there were jointly organised operations and roadblocks, as well as the general sharing of information and intelligence (Minnaar, 2004:11).

Although there are many positive elements in the development and establishment of the partnership approach in South Africa, there are specific problems that still need attention. Role players in these partnerships must be empowered by police officials at the local level. This may be in the form of more training in order to ensure that these role players understand their roles and responsibilities. More resources must also be made available to ensure effective implementation.

5.7 SUMMARY

This chapter presented an overview of partnership policing in South Africa and other parts of the world. The chapter also highlighted the evolution of partnership policing since the advent of democracy in South Africa, and its concomitant challenges, which affected its effective implementation since 1994. Moreover, a regulatory framework governing partnerships in policing formed the basis of the discussion in this chapter. The chapter also explored international best practices in partnership policing. It is apparent that without collaboration between the police and the citizens of South Africa it is unthinkable to reduce crime. Partnership policing promotes accountability, and assists in monitoring the effectiveness and efficiency of services at the local level.

CHAPTER 6: PRESENTATION AND DISCUSSION OF FINDINGS

6.1 INTRODUCTION

This chapter presents the responses offered by participants during the individual and focus group interviews, as well as the researcher's observations during non-participative observation. Various stakeholders who are either directly or indirectly involved in partnership policing participated in these focus group and individual interviews. After these interviews, recordings thereof were transcribed verbatim and analysed. Moreover, notes were taken in interviews where recording was not possible; this was necessary as some participants did not feel comfortable being recorded, and their request not to be recorded was respected. The original recordings are kept safe as the trustworthiness of the interviews has to be guaranteed.

6.2 THE OUTCOME OF THE INDIVIDUAL AND FOCUS GROUP INTERVIEWS

A discussion of emerging themes, with direct verbatim quotes from participants, is presented in the following sections. The direct quotes are followed by the translation in order to make it easy for readers to understand. The first theme to be presented explores the participants' understanding of partnership policing.

6.2.1 Exploring the understanding of partnership policing

There is a common understanding by all role players that partnership policing is a joint effort by all stakeholders; therefore, the police alone cannot be expected to provide solutions to all crime problems. Moreover, dealing with complex community issues, crime in particular, requires the involvement of other role players. Partnership policing is a difficult philosophy, which demands shared responsibility. For it to be effectively implemented, there must be a clear understanding by all role players. A slight misunderstanding may result in serious consequences and may in turn lead to irreparable damage to relations. While executives may easily understand the concept of partnership policing, this may not necessarily be the case at the grassroots level. As a result, this theme presents the participants' understanding of partnership policing. It emerged during interviews that partnership policing means different things to different participants. The understanding of partnership policing appears to be a little clear for

role players who are directly involved. This emerged from various interviews undertaken at various locations in the Giyani and Malamulele areas.

The contexts in which different role players experienced partnership policing is presented. Various themes were formulated after the responses gained from the interviewees. Focus group interviews, personal interviews with role players, and observations all assisted in obtaining information, which resulted in the formulation of themes. As indicated earlier, the responses gained depended on participant involvement in partnership policing.

In response to the question: What is your understanding of partnership policing?" Participants from the focus group interviews reacted as follow: One participant from the SAPS expressed his understanding of partnership policing by saying: "...*Yah, Ndzayi twisisa. Mi ta tsundzuka leswaku loko hiri karhi hi tirha hi fanele hi va ni vuxaka lebyi tengeke exikarhi ka hina ni varhangeri va ndhavuko. Especially varhangeri vatiko. Mi ta tsunduka kahle kuri minkarhi yotala hina, tani hi maphorisa, hi phorisa vanhu lava nga hansi ka tihosi. Eh! Hiswona leswi endlaka leswaku hi kota ku tirhisana...*". [*"...Yes, I understand. You will remember that it is important to have good relations with traditional leadership while performing our duties. Especially traditional leadership. In addition, you will remember well that most of the time, as police officers, we police people who are led by traditional leadership. This is why cooperation is important to all of us..."*].

Further explanations given by another SAPS participant on the understanding of partnership policing were "...*Yes, I am familiar with the policing partnership in this area. Eh! "Meaningly", as SAPS members, or the SAPS, we have the partnership with the traditional leaders around Malamulele area. Eh! Even the community as a whole. Because we have the time to visit the places where they have Imbizos sometimes they invite us...*" The explanations provided thus far indicate that participants somewhat understand what partnership policing is about. When this is the same in all policing areas, there is no reason for crime to increase. As a result, the relationships between role players will also improve.

However, another participant from the SAPS explained his understanding of partnership policing by saying "...*Partnership policing, I vuxaka? Ni vona byi ri kahle*

vuxaka bya kona. Hi ku: ani va swikota ku loko ku ri na swin'wani va ta vata "reporta"... A hi nge, kumbe xani sweswi swo fana naku, Eh! Loko ku ri na lava va ti-"parole"... Va nge humesi munhu hosi yi nga swi tivi... Eh! And loko ku ri ku na...ku na problem a tikweni, I hosi leyi yi fanelaku yi fonela a police station loko ku ri ku community ayi le ku foneni. Uh! Ah! Vuxaka byi kona. Ani hi vula ku ri, loko ku ri na swin'wanyani, va hlonipha vuhosi...Maphosisa. I Malamulele ntsena. Na le switandini..." ["...Partnership policing means relationship. Here in this area, the relationship is good, because the community report all crimes to the police. For instance, traditional leaders are informed when parolees are released. In addition, traditional leaders report crime to the police on behalf of communities. As a result, I can say there is a good relationship and the community respects traditional leadership. This does not only happen in the Malamulele Township, but also in the villages..."].

Communication is one of the tools to use to take the message across. The majority of participants indicated that nobody cares to communicate police strategies in their areas. Arguably, police intentions to deal with crime do not necessarily have to be communicated to the entire community. However, at least some community leaders need to be consulted so that the work of the police becomes easy. Simply moving into the area through reactive means is obviously not going to achieve the desired results. Instead, community members will resist efforts by the police, which often lead either to police members being injured or killed, as we have seen a number of police officers killed while pursuing criminals.

This will ensure a secure and safe environment for all citizens in South Africa. When this happens, there will be a boost in terms of investor confidence, and development within communities. It is clear that nobody likes to invest in a crime-ridden area or where there is instability. In view of this, all role players in partnership policing should have, at least, a working knowledge of partnership policing. According to Mabunda (2014) understanding of partnership policing by members of the police who are not actively involved is not satisfactory. This is not supposed to be so because, while they may not be involved now, they may be expected to do so at any moment. One could just imagine the kind of chaos that will result if they are posted in communities when there is a need; there will be no time to be trained on partnership policing, and this will result in bad decisions being taken. As a result, these officers will also not understand

their roles. One police participant said: *“Ndzi sungula ku tirha tani hi mulavisisi ku sukela loko ndzi vuya e police college. Andzi voni swi fanerile ku twisisa partnership policing hikuva mina ndzi tirha hi vulavisisi ntsena, na swona sweswo swi enerile eka mina. Ndzi ngo navela ku tiva swi ntsongo, hikuva ntiro wa mina I ku va mulavisisi ntsena. Andzi boheki ku tirha na va-aka tiko hikuva ndzi tirha vulavisisi ntsena”*. *“... I have been working as a detective since I came out of the police college. I do not think there is a need for me to know all about partnership policing, but I am doing my best at the detective section. I would like to know a little about partnership policing because my main task is to investigate crime. I do not always interact with community members ...”* From this response, it is evident that a paradigm shift is necessary. This is because police change their functions based on the need at the time, therefore, one does not necessarily have to specialise.

Moreover, police officers are often expected to act as mediators in conflict situations, and will not be able to exercise this role without an understanding of diversity. Furthermore, their understanding of partnership policing will make them to be more accessible to the community. Conflicts are a result of misunderstanding, therefore, it would be wise if all police officers, including officers deployed in specialised units to be trained in partnership policing even if the likelihood that they will be deployed to work directly with the community is lower. Management at the station level can also organise workshops to educate their members if this is not currently happening. One participant indicated that: *“Ti-workshop ta boha hikuva mufambisi wa xitici u tiyisisa leswaku maphorisa hinkwavo va fanele ku va nivutivi hi ntirhisano ni va-aka tiko”*. *“...partnership policing workshops in the station is compulsory because the station commissioner insist that all members must be aware of what is taking place in the communities they serve...”* This appears to be a progressive move by the station commissioner who understands what it is to remain relevant while transformation takes place.

Regardless of the designation of participants, their level of understanding of partnership policing varied in terms of their involvement in the matter under investigation. This is of concern since one would expect all participants to have the same understanding, bearing in mind that partnership policing is one of the strategies that the police committed to using in order to combat crime. It simply means that police

responsibility to educate communities still needs to be addressed as a matter of urgency. This means that the high crime rates in these communities will remain a concern, as the police will not be effective without the assistance of the communities they serve. One SAPS participant said: “...*Hi endla hinkwaswo ku vona leswaku maphorisa ya hina ya twisisa ku ri partnership policing i yini...kambe a swi olovi ku anerisa hinkwavo...*” [“... *We try our best to educate our members as well as members of the community; however, it is not always easy to reach all at this stage*”]. Another SAPS participant indicated the following: “... *Ndzi nga tsakela ku ri maphorisa ya mina laha police station ya tiva vuxaka lebyi, switirhisiwa a swi anelanga ku vona leswaku hinkwavo va dyondzisiwa. Na nkarhi a wu kumeki ku endla leswaku va tshika mintirho ya nkoka va ya tshama a tlilasini va dyondzisiwa leswi nga ri ki na nkoka ngopfu enkarhini lowu...*” [“... *I would like all my members to be trained on partnership policing; however, we do not have the luxury to abandon our priority to attend partnership policing. This is not our priority at the moment...*”]. Further, this officer said he would be willing to allow his members to learn about partnership policing at some time in the future. “...*Ndzi ta va encourager leswaku va athenda leswaku va va empowered loko nkarhi wu pfumela*” [“... *I would like to see my members acquire skills in other areas and will assist them do so time permitting...*”]. From these comments, it is evident that some junior officers depend on their commanders’ permission to attend workshops about partnership policing. Furthermore, it appears that this may only happen when time and resources are available, which may not necessarily be possible in the near future. Perhaps it would help if involvement in partnership policing formed part of the performance indicators for station commissioners. This would force them to incorporate it into their job description.

In contrast, some participants from the House of Traditional Leaders in villages around Giyani and Malamulele evidently held negative views regarding partnership policing. Some indicated that most police officers make it difficult for partnership policing to take place in their areas. They argue that very little has changed regarding police attitudes since the advent of democracy in 1994. Some went on to relate that police brutality is a daily occurrence, especially when a crime has been committed and the police are determined to make arrests; this occurs despite the fact that some of the suspects who are arrested are later released due to a lack of evidence. Furthermore, some villagers indicated that they are afraid to work with the police due to a fear of victimisation. They

indicate that their identity is provided to criminals by the police. As a result, they are not willing to risk their lives and that of their family members. Moreover, some participants complained that the police are not doing enough to educate the community about partnership policing. In addition, some even said that they are not invited by the police to attend any meetings. As a result, communities mobilise themselves in order to ensure that there is no crime in their villages. However, some participants indicated that they are willing to work with the police.

One traditional leadership participant said: “ *Ha ringeti ku twisisa mayelana ni ntirhisano xikarhi ka va-ak tiko ni maposisa hi ku hlaya emaphepheni ni kutwa hi radio*”. “...we try to understand what partnership policing by reading about what is happening in other areas or in the newspapers and on radio...” One participant from traditional leadership explained how he would like to understand what partnership policing is by saying: “ *Ntirhisano exikarhi ka va-ak tiko ni va nawo swi kahle swinene. Leswi swi ta endla leswaku vugevenga byi hunguteka, ni ku endla leswaku ku va ni vuvekisi*”. “... partnership policing sound to be a good thing, not only for the police, but for everybody...In addition, this will result in the reduction of crime and encourage investors in our areas...” Furthermore, it would restore the community’s confidence in the police. Studies have shown that crime has been reduced where the police and other role players formed partnerships. It is evident that there is a need for change of attitude from both the community and the police if there is any hope of partnership policing becoming a reality.

One traditional leader participant suggested that traditional leadership and police management need to urgently call meetings in villages in order to educate communities about the importance of partnership policing. According to this participant, South African Police Service (SAPS) management should explain ambiguous concepts in non-professional language in order for members of the community to understand matters concerning partnership policing. This traditional leader said: “ *Nhlangano lowu wu fanele, xo sungula, wu kongomisiwe ku dyondzisa va-ak tiko hi leswi maphorisa va tirhisaku swona. Xa vumbirhi, vuhlayiseki bya va-ak tiko byi fanele ku tiyisisiwa, loko va mangala milandzu emaphoriseni*”. “...the meeting is supposed, firstly, to be focused on educating communities about the work of the

police...and, secondly, they must ensure communities that their safety is guaranteed when they report crime to the police..."

Agreeing with the previous participant, another traditional leader participant expressed reasons why some of them do not understand the concept of partnership policing. He stated that he was ready to go to any place where an opportunity will be provided for him to learn by saying: "*Nkarhi wa ha ri kona leswaku hi dyondza*". "*...It is never too late to learn.*"

A participant from COGHSTA responded to the same question as follows: "*...Mmm... Mina ni vona swi ri na nkoka hi ku, swi vula ku, policing forum leyi yi tirhisana ni maphorisa...Loko swi humelela, va-aka tiko hi vona ti-infomera ta maphorisa, va ku, ku humelele leswi sweswi. Ku fana ni loko munhu a tshova ni vusiku, kumbe ku yiviwa na vusiku, ku fana ni maphorisa, ani va na ti-"spies" ta vona a tikweni ku ri, loko ko tshika ku humelele leswi, aku endliwi leswi. Se, ni vona swi ri na nkoka Community Policing Forum ku ri yi va yi ri kona ku ri yi kota ku tirhisana na maphorisa. Na maphorisa va kota ku ri va nga tikeriwi...*". [*...Mmm... I think it is important that the policing forum or the relationship between the police forum and the police be sound... When this happens, the community acts as informer to the police, alerting them of criminal activities in the area. For instance, when there is a break-in during the night, or any other crime, the community members must act as spies for the police. This assists in preventing crime as criminals know that the community supplies information to the police. In other words, the community helps in the deterrence against crime. As a result, I believe that the Community Police Forum is important. As a result, the work of the police is much easier when there is cooperation between the community and the police...*"].

The majority of participants in this study indicated their understanding of partnership policing, while some have limited understanding, citing lack of information, communication and ignorance, to name a few, as reasons. Rosenbaum (2002:1) posits that partnership policing can increase public awareness of and participation in crime reduction initiatives.

Participants who participated in the in-depth interviews had the following viewpoints: One participant in the Community Service Centre said "*...A ri peli dyambu ndzi nga*

kumangi milandzu leyi yelanaku na partnership policing. Na kambe, vuxaka bya hina na va-aka tiko hi lebyinene... ["...Hardly a day goes by without receiving a complaint related to partnership policing. In addition, relations between us and the community have improved over the years..."].

It is evident that these members do not need more training on partnership policing, but may need training in other policing areas. The station commissioner assured the researcher about the competence of his members in the CSC to deal with partnership policing matters by saying: *"...Maphorisa la wa nga dyondisiwangiki ku tirha na va-aka tiko a va tirhi laha Community Service Centre. Community Service Centre i xikandza xa la xiticini. Hikokwalaho, hi tikarhatela ku antwsisa xiyimo minkarhi hinkwayo..."*. ["...Members who have not been trained in community policing or partnership policing are not posted in the CSC. The Community Service Centre is the face of this police station, therefore, we make sure that all members here are ready to deal with complaints affecting the community. However, we strive to ensure that these members continue to improve their skills at all times..."].

From this, it can also be deduced that the officer concerned is determined to provide quality service to the community by making sure that his members are empowered with the necessary skills, and that they understand their roles. Furthermore, it is evident that participants seem to be proud of their work and have the interests of the community at heart. It was also indicated that members serving in the Community Service Centre are rotated on a continuous basis. Management plays a significant role in encouraging members under their command to remain motivated to perform at their best.

The understanding of partnership policing among interviewees indicate the efforts made by both the police and community leaders to educate their members. However, it is apparent that a lot still needs to be done to educate their members. Those who still hold a negative view of partnership policing should be persuaded to have a mind shift in order to ensure that they remain relevant.

From the interviews, it became apparent that participants at the executive level had a greater understanding of partnership policing than participants at junior levels. It

appears that both community members and police officers at junior levels have little understanding of partnership policing in comparison to their counterparts in senior positions. Community Service Centre (CSC) members appear to be the individuals who are always confronted with partnership policing related matters. As a result, the study shows that these members understand partnership policing better than all other members of the South African Police Service in other sections.

6.2.2 Exploring the role of traditional leaders in partnership policing

Traditional leadership has played and continues to play a significant role in the development of communities under their leadership. One cannot imagine the difficulties that the police would experience without the cooperation of traditional leadership. In response to the question: “What is your view on the role of traditional leadership in partnership policing?” respondents from the focus group interviews reacted as follows: One station commissioner said: *Ti-membera ta hina tifanele ti tiva kur kucinca ixilo lexi nga ta ka xi nga cinci. Va swi tiva ku ri va fanele ku amukela ku ri kucinca I xi-ave xa vona. Ha swikota ku twisisa swilaveko swa va-aki hi ku yingisela leswi va swi vulaku. Swi nga hitikela swinene ku lavana na swigevenga loko hing tirhisana ni va-aka tiko*. “...our members need to understand that change is inevitable. They cannot resist change, as change is part of what is happening all around us. We are able to understand the community by listening to their concerns. As a result, we are able to police them better. I cannot imagine entering in the area looking for suspects without having some information, which is supposed to be provided by the community...and they are not cooperating. That will be a difficult task for police officers...” However, this senior officer acknowledged that there are still some officers whose attitudes towards the members of the community need to change. The officer indicated that he would continue to educate both his members and members of the community in his policing area about partnership policing.

In response to the question “What are the factors that hinder effective partnership policing in the rural areas in Limpopo that are led by traditional leadership?” one traditional leader participant had this to say: *“Hi vona vhene ya maphorisa ntsena loko ku mangariwe milandzu, loko va lava swigevenga”*. meaning: “the only time we see a police van in our village is when a crime was committed and the police are looking for suspects”. This, he said, takes place days or even weeks after the crime was

committed, thus making it easy for criminals to disappear and never get arrested. Many participants shared this viewpoint. They feel that villages are mostly neglected despite promises of better policing services during election campaigns. In addition, they raised the concern that *“nobody care to talk to them soon after the elections”*. They believe that the only important thing about them is their vote. One participant said: *“Ava na mhaka na hina laha. Lexi xi nga xa nkoka I tivote ta hina. Na president wa hi endzela hi minkarhi ya nhlawulo, kambe a nga ha vonaki endzhaku ka nhlawulo. Leswi swi endlaka leswaku va-aka tiko va teka nawu va wu veka emavokweni ya vona, hi leswi va vonaka swigevenga swi humesiwa endzhaku ko khomeriwa milandzu leyikulu yo chavisa”*. *“...we are neglected here. The only thing that is important is our vote. Even the president visits these areas during the election campaigns, but forgets about us immediately after the elections. People here do not understand these things. The reason why community members often take the law into their hands is that they often see criminals being released shortly after being arrested for serious crime”*. Communities are frustrated and do not understand how suspects are released as they do not understand the criminal justice processes regarding bail, as an example. Their perception is that it is the corrupt police who work with these alleged criminals. All they need is for police leadership in explaining concepts such as partnership policing and other policing strategies. One SAPS participant indicated that: *“Ntirhisano ni va-aka tiko wu endla leswaku ntirho wa hina wu olova. Ha swikota ku avelana mahungu na switirhisiwa. Maphorisa ya hina sweswi va swikota ku famba etikweni vantshuxekile va nga chaveli vutomi bya vona. Loku I kucinca ku kulu loko hi languta endzhaku”*. *“...collaboration with other role players makes things easy for all of us. We are able to share, not only information but also to share resource. The police are now able to move freely within the community without fearing for their lives. This is a big change when we compare this with the past...”*

In response to the question “What are your views on the role of traditional leadership in partnership policing?” respondents from traditional leaders reacted as follows: *“Swilo a swi antswa hi minkarhi ya xihlawu-hlawu. A hi swi tiva leswi ntirho wa maphorisa a wu ri xiswona. Maphorisa a va lavana na vanhu va tipolotiki, naswona vugevenga abyi nga bihangiki ku fana na masiku ya namuntlha. Swilo swi bihile namuntlha hi mhaka ya xi-demokrasi. Wun’wana na wun’wana u tiendlela hi ku rhandza laha Afrika-Dzonga a nga chavi swi ta-ndzhaku, naswona maphorisa aya ha*

ri na matimba”. “...things were better during apartheid. We used understand what the police were about. They were looking for people doing politics and crime was not as bad as it is today. Things are bad these days because of this so-called democracy. In South Africa, everybody does what they like without fear about the consequences of their actions and people are frustrated about the government...and the police in particular...”

In response to the question “What is your view on the relationship between traditional leaders and the police?” a House of Traditional Leaders participant said: *“Swilo swicincile swinene endzhaku ka kusunguriwa ka CPF. Sweswi hi ni nkarhi wo nghenela tinhlengeletano ni ku va ni-xiave mayelana ni vuphorisa etindzhawini ta hina. Kambe, ka ha ri na maphorisa lawa ya alaka ku cinca, ku ya hi minkarhi ley hi hanyaka eka yona”. “Things improved significantly since the introduction of Community Police Forum (CPF). At least now we are given the chance to attend these meetings and be part of policing our areas. However, there are still some police officers who refuse to change their attitudes”.*

Participants expressed different views about the role of traditional leaders in partnership policing. It emerged that most participants still regarded traditional leadership as the custodians of customs and tradition: one traditional leader said: *“Hosi yina ntirho wu kulukumba ku vona kuri nawu wu va wu ri kona...Loko mo languta matirhele ya tihosi khale, hi ku na crime a yi nga talangi ngopfu khale. Hi ku loko munhu a fika e tikweni, a a yisiwa hosini, a ya tivisiwa ku ri ku na miyeni laha. And a a ku ri ni Milawu, hambi ku tsema “drata” yinene aa ku ri nandzu. Na vanhu a a va hlonipha ku, lexi xa endliwa, lexi axi endliwi. Hi ku, a a hi ri ni mafambiselo ya kona ya vukosi, kambe sweswi ku nghenelele timhaka ta swilungu na ti “democracy” leswi hi nga swi tiveki kuri, swi-democracy leswi swi vula yini, because hina laha, I matiko ya tihosi la ma nga laha. Va-America le hi landzelelelaka yona, Milawu ya kona a swi fambelani ni Milawu ya hina. A ku na hosi e-America. I mhaka ya ti-politiki...”* [“...Traditional leaders have a huge responsibility to ensure that there is law and order....Our work was different in the past because there was less crime...When a person arrived in the village, they were first introduced at the chief as new members of the community...The law was strict...even cutting the fence was a serious violation of the law...people had respect and were able to distinguish between right and wrong...There was a specific

way in which we used to perform our tasks... however, now there is confusion all over because of English and the so-called “democracy” which we are not familiar with have been imposed on traditional leaders. We have adopted an American way of doing things which is foreign to us...In addition, the American laws are not meant for us...in addition, there is no traditional leader in America...”].

In response to the question “Has the South African government managed to efficiently integrate the traditional leadership institution in partnership policing in the rural areas of Limpopo?” one traditional leader had this to say: “...Se, loko mfumo a wu tshika... wu vuyisela xiyimo xa tihosi leswi a swi ri swona, na crime a yi ta va yi nga ri kona. Munhu, ku dlaya munhu a a swi chavisa. Ku yiva a a swi chavisa. Langutani tatami Mabunda lomu tijele ku ri ku tele lavatsongo. Ku ku, Milawu aya ha ri kona ematikweni. Swiyila a swa ha ri kona aswa ha endliwi. Kasi khale tihosi swiyila leswiya, na leswi ava fumisa swona mfumo wu nga si nghenelela hi ti mhaka ta ti politiki, swilo a a swi famba kahle. Marha lexi xi ni hlamarisaka tatani Mabunda xin’wani hi lexi, mfumo wu ri, a hi vuyiseni xi-ntu xa hina...Kambe awu le ku endleni ka nchumu...” [“...The government have a role to restore the position of traditional leadership...This will result in crime reduction... Murder or theft was uncommon in the past...Today, jails are over-populated by youth...because of lawlessness...Taboo is no longer being practiced...Traditional leadership of the past used taboo to ensure that there is stability...but now that the government and politics have messed things up...There is too much rhetoric about restoring traditional leadership, however, nothing tangible is happening...”].

In addition: “...Na vona volavo va nge, a hi vuyiseni xi-ntu xa hina, culture ya hina yi nga lovi, vathlela va vona va vulavulaku swilungu loko va tile va ta hlangana ni va-aka tiko. Ematshan’wini ya ku va vulavula ririmi leri ri twisisiwaka hi vanhu hinkwavo va valavula xilungu. Se, i culture yihi yoleyo? Hi ku, culture ya hina yi na ku, munhu u fanele a hlonipha wun’wani munhu, and munhu a nga teki xilo xa wun’wani a nga nyikiwangi. Loko munhu a navela xokarhi u fanele a tshama hansa a kombela. That is why khale na vusweti a byi nga ri kona. A ku nga ri na xisiwana eka hosi. Hosi a a yi tiva ku ri vanhu va yona ku humelela yini hi vona. That is why va ku, ku na dzunde ra hosi laha ku vekiwaka kona swilo, ku endlela ku ri loko xisiwana xipfumala, ku ya ku ya tekiwa kona kwalaho. Kumbe loko timfula ti na, va vona ku ri a nga na swo rima, a

a ya a ya rimeriwa, va thlela va n'wi akela na dulu, a endla hinkwaswo, va karhi va "monitara" ku ri swilo swa yena swi fambi njhani. ...".["...Those who are preaching about restoring traditional leadership are the ones speaking English when they come to address the community, instead of speaking the language used and understood by our people here. What kind of culture or tradition are they talking about, because culture means to respect another person, and not to take or steal what belongs to another person. You need to ask if you do not have something, and not to steal. There was neither poverty nor a poor person within the community in the past. There was a specific storeroom (known as Dzunde) at the chief's place where extras were reserved to assist the less privileged. The chief would also make sure that when it rains, the community would plough the fields for the poor and build a store house (Dulu) and ensure that all the poor are protected..."]].

It is evident that life was good and that, under the leadership of traditional leaders, the community used to take care of each other: *"...Hi laha vutomi a byi ri kahle. Marha hi ku, vona valavo va xi-democracy, hi nga swi tiveki ni ku xi-democracy swi vula yini, hi vona va taku va ta hi onhela matiko. I ku, kahle-kahle, loko hi vona munhu a endla swo karhi leswi nga lulamangiki, hi swi vula, e handle ka ku chava ku loyiwa. Hi ku, lexi hi dlayaku eka hina vantima, mi kuma ku, laha ku tshamaku valungu na hina vantima, ku na ku hambana. Valungu loko va ku vona u endla swilo, va vhela va ku byela ku sweswi ni ya e police station ni ya ku pota ku ri u endla leswi... Se, vanhu vantima ha chava". ["...Life was good. However, those who promote democracy, which is foreign to us, are destroying our culture and tradition. We are even afraid to confront lawbreakers for fear of witchcraft. There is a difference between a black residential area and a white residential area. White people report incidents of crime when they come across such, but black people are afraid to do so"]].*

Another participant outlined the role of traditional leaders as follows: *"Vurhangeri bya xintu...ani lahaya, I swilo swimbirhi leswi swi tirhisiwaku xiswona ka maphorisa na tihosi...Tihosi ti na swipimelo swa milandu leyi ti yi tengisaku, na leyi ti nga yi tengisiki... Se...Oh! Loko ku ri ku...Ahi nge, I ku fa ka vukati....Swi nge...a swi yi emaphoriseni. Swi ya ka Tribal Office. Ku tsemiwa ka tihunyi aswi yi emaphoriseni, swi ya ka Tribal Office. Eh! I ya ku dlayana... Na ku yiva...Eh! Ya ku dlayana na ku yiva. A ti yi tengi. Na siku na rin'we. Eh! Va fanele va "reporter". Handle ka kwalomu kun'wani*

va pfaku va teka nawu va wu veka mavokweni. Vona vo fanele va “reporter” e police station. Police station hi yona yi nga ta tive ku munhu luya a nga le ku rhobeni, yi fanele yi ya n’wi veka kwini”. [“There is a clear distinction between cases to be handled by traditional leaders and those that are handled by the police. For example, matters like customary marriages are handled by traditional leaders, and not by the police. The Tribal Office handles these matters. Another example is the illegal cutting of trees/firewood, which is also handled by the Tribal Office. Serious crimes like murder and theft are reported to the police as traditional leaders are not allowed to deal with these matters. The police are trained to deal with such cases”].

In addition, there are books used by traditional leaders to record all cases. In the following section, the participant explains how recordings are made: “Mmm...Hi leswaku swilo leswiya...ti “case” leti hinkwato...i swa Magistrate...Ti huma aka Magistrate. Tibuku leti...yatsariwa milandu...Ku na ti criminal cases...Eh! Ku na leyi yo fana na loko munhu a tseme ma gede (gate)...Yah! Yi na buku ya yona...Kasi ku na leya milandu ya lavo tshikana, ku na buku ya yona...Se, leyo tshikana, hi ku munhu wa yi “Appeala”...Yi fanele yi ya ka Magistrate...Mmm...Se marha no ka ni nga tivi masiku lawa. Khale a yi ri Two hundred rand... A yi nga hundi Two hundred rand. Mmm...Eh! Va nyikiwile swilo sweswo...Se tibuku leti i tibuku ta four...Mmm...I five... Leti va ti tirhisaku ku “recorder” ti case leti...I vi andhaku ku va na yin’wani...swi vula ku i sikisi (six)...” [“The fact is that all serious cases are only referred to the Magistrate. Traditional leaders are provided with books to record various cases within the jurisdiction of traditional leaders. Each book is intended to record specific cases, for instance, to record incidences of damaging fences or separation cases or customary marriages. In the past, all cases with a fine less than two hundred rand would be handled by the tribal office. I am not sure if things have changed. But this one is referred to the magistrate. If I remember well, there are six books used in the Tribal Office to record various cases...”]. Furthermore: “Ku na leyi yi tsalaku nandu hi woxe...Yi tsalaku na mavito ma munhu....Ku na leyi tsalaku ku munhu loyi u hakerile, ku xota mali muni ya balance...Kasi ku na leyi ya ku tshikana leyi...Ya humesa na xuma leyi...Loko ku ri ku munhu loyi u lava xuma...I vi ku va na leyi yi tsalaku ku, balance ya kona I mali muni...A ka ha kumeki mavito eka leti tin’wani. I vi leyiwani...Buku leyiwani...Ya vuntlhanu.... Yona I case ya ku tshikana....Swi boha yi tsariwa lahaya...I vi yi tisiwa ka Magistrate, ku ri loko munhu a ya “Appeala”, u ta kuma mavito ya

yena...leswiya swi nga tirhisiwa xiswona a Tribal se swi fikile. Kumbe yena loko a heta ku tengisa nandu lowuya, a vona ku swa hlwela ku swi yisiwa ka Magistrate, a teka phepha leriya a fambi na rona”. [“Cases are recorded separately, and particulars of individuals who paid fines and amounts are recorded in another one, including the outstanding balance. Particulars about customary marriages are referred to the Magistrate and a separate book is used for that purpose. A copy is also provided for the accused, in case he intends to appeal the case. He/she can approach the Magistrate with this copy to make inquiries...”].

Lastly, “... I swilo swinharhu...Ku na loyi anga ta dyiwa hi nandu....Na loyi anga wina case...I vi ku sala duplicate la...Mmm...Va tenga sweswo, na loko ku ri ku halake ngati. Loko ku halake ngati a va khomi. A va ha yi khomi. Mmm.. Ivi munhu a yi “receita” leyi...Loko ku ri ku, loyi and “wina” case, u winile...I vi a tlha a tsala ku, I “receipt” number mani...A yi ri na mali muni, ku sele mali muni. Mmm...”. [“...There are three things. One person will lose the case while the other wins, and the duplicate of these cases remains in this office. So, those are the type of cases handled by traditional leaders. Traditional leaders do not handle serious crime like murder as I have already indicated. All the copies have all the details and the receipts are proof of how much the tribal office handled for auditing purposes...”].

From the above reactions, it appears that the traditional leadership plays a very important role in crime prevention. This might explain the low crime rate in most of the areas led by traditional leadership in Giyani and Malamulele. However, some participants raised some serious concerns which, if left unattended, may impact negatively on communities and on the police. In addition, it is clear why some communities do not want to supply information, as there is a lack of trust in some areas.

From the experiences of these participants, it appears that role players understand what it means to be part of partnership policing. It follows that forums such as the CPF provide role players with the opportunity to make meaningful contributions, and to participate in joint decision-making. As a result, it is possible to allocate roles based on the capability or capacity of role players to perform specific functions.

The next theme to be discussed evaluates the effectiveness of partnership policing.

6.2.3 Exploring the effectiveness of partnership policing

The sample consisted of two SAPS representatives. This included the Head of Crime Prevention in Limpopo and the SAPS communication spokesperson in the province. These two representatives are at the forefront in crime prevention areas and every crime that is reported is communicated to the media via the communication spokesperson. The third sample was solicited from the Community Police Forum (CPF) in the three identified areas in the Giyani and Malamulele districts. The Community Police Forum is the link between the police and the community. These representatives have been elected and are respected community members. The fourth sample consisted of one representative from the Department of Community Safety and Liaison in Limpopo and one representative from the Department of Cooperative Government and Traditional Affairs in Limpopo.

The police have established collaborative partnerships within their communities in an attempt to address crime. Police organizations are in a better position to facilitate processes aimed at facilitating trust amongst other role players within communities (Skogan, Steiner, DuBois, Gudell & Fagan 2002a:10). In this research, the first sample consisted of Traditional Leadership (Chiefs, *Indunas* and Headmen) and community leaders [in accordance with paragraph 1.9.2 of Chapter One of the current study].

When asked about the effectiveness of partnership policing, one of the participants from the SAPS said: [*“...Yah, ya tirha, kambe matirhele ya yona that is why hi ku aku se va ni Policing Forum laha. Loko a a yi ri koho, tani hi vakulukumba va ta va ta hlawula vanhu lava, va thlela va va trainer, na ku, loko u ri Policing Forum, u tirha leswi na leswi, va va trainer, hi vona leswaku aswi ta va swi ri kahle ngopfu. A swi se va kona...”*]. Meaning: [*“...Yes. Eh! Partnership is effective in this area. One, Eh! Because even the community members, sometimes they invite us when there is a challenge of crime. So that they can assist us by voluntarily getting to involve...to patrol their places by the community. But they need the advices from the SAPS...To say, as a community we see sometimes the challenge of saying crime is escalating in our places. So, which is the involvement that the community can contribute? The patrols by the community...marha...but eh! Following the constitutions and the rights of the people. Asking to the police to assist them about those patrols...Another thing, to have the structures on their places.”*] This was said by the participant in his own words. One

COGHSTA participant said: *“Tani hi ti-street committees, Sector policing yi pfuna maphorisa. Hi swon swi endlaku ku ri ni ku partnership policing ya tirha laha”. “...Like Street Committees, Sector policing that are assisting us SAPS. That is why I’m saying, yes, the policing partnership is effective in our area...”* The participant indicated that this was not always the case. Another COGHSTA participant said: *“ Varhangeri va maphorisa va fanela ku seketela mapfhumba lawa. Loko va nga endli tano, aku nge vi na ku humelela”.**“...Management of the police must come on board to support us...because if they do not support us we will not succeed...”*

Community members may play a significant role in terms of providing valuable information about crime to the police (Mabunda, 2014:31; Lamb, 1996:322; Skogan et al., 2010). In addition, it must be noted that partnerships in policing differ across communities; therefore, local role players are supposed to adapt various partnerships according to their own needs. Research indicates that, where communities collaborate, it becomes possible to reduce crime significantly (Forman, 2004:6; Corder, 1998:11). They argue that collaboration is one of the core components of partnership policing. In addition, emphasis should be placed on consultation and joint planning in order to have effective partnership policing. Moreover, role players are able to determine the policing needs in their area by jointly monitoring policing activities, thereby ensuring accountability.

Hughes (1998:92) posits that traditional policing approaches are no longer an option; therefore, the police should be pro-active in order to address crime. When police, community members, traditional leadership, youth formations, community-based organisations and other role players are committed, the result will be peace and stability in such an area. Moreover, neighbourhood watch programmes have, over the years, played a significant role in crime prevention.

By seeking the cooperation of community members, the police make their work easy because information about crime and suspects can be accessed with ease; the police used to battle in the past because no one was willing to assist them. It must also be noted that negative perceptions persist in some communities. Revitalising a trusting relationship will serve to improve relations in these partnerships (Frances, 1991:15). In fact, if partnership policing is to be successful, role players must be trustworthy, and respected within their circles. Tyler and Yeun (2007:200) emphasise the need for

partners to understand and trust each other in order to ensure successful partnership policing. Moreover, this also draws attention to the importance of trust as it motivates and ensures that they fully support policing initiatives.

Furthermore, a partnership policing approach should be based on how role players address community safety needs at the local level. The effectiveness of a partnership is dependent on how they address the challenges that the community is faced with on a daily basis. However, in most localities, there has been a limited understanding about the role that each participant has to play. Clear roles and responsibilities will ensure the effectiveness of a partnership. These roles are addressed in other sections of this research.

Another SAPS participant indicated that the traditional leadership plays a very important role in partnership policing by saying: *“Yah, ndlela ley varhangeri vandhavuko va ngenisaka xandla swi endla leswaku vugevenga byi ya ehansi. Loko hi hlangana na vona, va hipfuna ku ri hi kota ku fikelela tindhawu let aswi ta nonoha ku tifikelela. A hi languteni ndhawu ya ka Malamulele, laha ku nga ni switandi swo tala to tlula dzana. Swa endleka leswaku ku hela nhweti hi nga se kota ku fikelela ndhawu yo karhi. Se tindhuna ni varhangeri van’wana va hipfuna ku nyika vukorhokeri bya xiphorisa etindhawini teto”*. “...Yah! The specific role that the traditional leaders are contributing in this crime prevention, eh! Mostly, when we meet them they assist us as police because on most places sometimes we cannot afford to reach those places...Marha it is not easy. Let us take, for example, the villages of Malamulele. We are having a lot of villages. I can say, plus or minus hundred villages around Malamulele policing area...So, some of the places, it can happen to say, sometimes the month can end before the police go to that one village. So, the traditional leaders and their Indunas, they are assisting us...Yes. To police those areas with their community members and to give the information that they get to the police when we meet in those meetings...”

One participants from the business community indicated that it is their responsibility to ensure that security and order prevail in their areas. The participant said: *“Ku humelela ka mabindzu ya hina swi ngakoteka ntsena loko ku ri ni ku tirhisana exikarhi ka va-aka tiko ni maphorisa”*. “...Our success depends on the relationship between the police and communities”. They understand that their involvement in policing activities will

ensure the effective prevention of crime, insecurity and disorder. This requires that all role players collaborate with others in a partnership. As a result, it becomes possible to jointly identify and address challenges within the community. Partnership policing ensures effective crime control and prevention in society (Connell, Miggans & McGloin, 2008:127). Connell, et al., (2008:127) further state that partnership policing is also consistent with democratic governance.

6.2.4 Evaluating the relationship between the police and other role players

Participants' perceptions of this relationship, at the station level, are vital in that there will be trust, which is significant in all kinds of partnerships. From the interviews, it appears that relations in certain policing areas are not at the level that they should be, as can be seen in some of the comments made by the participants. Hlungwani (2014:55) argues that partnership between communities and the police form form of relationship forms the basis of a good working environment. Conversely, bad relationships in partnership policing at the station level result in a lack of trust and, consequently, an increase in crime levels.

In response to the question "What is your understanding of the relationship between the police and other role players?" varied answers were provided by the participants. Their responses were both positive and negative, which does not bode well for effective partnership policing. In the focus group interviews, it became evident from that most participants believed that the relationship was good. The participants from COGHSTA expressed their understanding on the relationship as follows: *"...Eh, vuxaka bya hina laha na varhangeri va tiko byi va byi ri kahle. Xo sungula mi ta tsundzuka kahle leswaku loko hi ri karhi hi tirha, ku n'wanyani loko ku tshika ku humelela timhango, especially, eka village yokarhi, hi rhanga hi le vukosini hikota ku va tivisa na ku va hi va vutisa kuri, swilo swa muxako lowu maswi tiva xana? I vi ku suka kwalano hi kota ku ya emahlweni. Because vona minkarhi yo tala loko va ri karhi va fuma vanhu lava, va tiva vanhu hinkwavo lava nga ndhawini ya vona. Eh, se, swa hi pfuna swinene ku kota ku tirha kahle..."* ["...Relationship between us and the traditional leadership here is good. Firstly, you will remember very well that, when we are busy working, there are incidents that are reported to us, especially, in particular villages. We begin in the chief's place to notify the chief and to inquire if the chief is aware of a reported matter. Thereafter, we proceed. We do this because traditional

leaders know each and everything that happens in their areas. As a result, it makes our work much easier...”].

Another COGHSTA participant said: “...*I kuri lexi nga kona hina eka vuxaka lebyi hi nga na byona, eh, vuxoko-xoko bya tifoni ta hina vana byona. Na hina hi fanela ku va na byona. Loko ku tshika ku humelela swokarhi etindhawini to karhi va hi rhipotela ka ha ri na nkarhi. Ha swi twisisa ku ri kun’wanyani va aka tiko va pfa va tlula Milawu. Kambe u kuma leswaku ku n’wanyani ava koti ku va va va hlonipha vukosi minkarhi yin’wanyani, marha loko hina ho va hi switiva ku ri endhawini yo karhi ku ni swo karhi, swi endla leswaku hi kota ku va hi tirhisana na vona, hi kota ku pfunana na vona na hi miehleketo ...*” [“...*The issue is, in this relationship, traditional leaders have our telephone details. We are also supposed to have theirs. When there are incidents in their areas, they report these to us timeously. We understand that sometimes community members break the law. Sometimes you find that community members do not respect traditional leaders, but when we discover problems, we are able to cooperate and help find solutions...*”].

According to one community member, some community members do not want to assist the police because they are afraid of victimisation: “...*Ha chava ku tirhisana na maphorisa. Hi chava ku loyiwa, hi chava ku zondhiwa. Hi leswi swi hi dlayelaku tiko. Eh! Kasi leswi swi hi dlayaku i ku, loko munhu a endla swo karhi, a hi swi humeseleni erivaleni, na yena a ta switiva ku, leswi aswi kahle, a swi laveki. And ku nga vi Policing Forum ntsena, na maphorisa, a ku vi tiko hinkwaro ri lwaka ni vugevenga, Eh! Ku va na ntirhisano, swilo swi ta tshamiseka...*” [“...*We are afraid to work with the police. We are afraid of witchcraft and hatred. This is destroying the country. We were supposed to expose criminals so that they must know that their conduct is not acceptable. It is not only the responsibility of the CPF and the police to deal with crime, but should be the responsibility of all citizens. When this happens, there will be peace and security...*”].

In response to the question “What are your views on the relationship between the police and traditional leadership in partnership policing?” one traditional leader participant expressed his dissatisfaction at the conduct of certain police officers, in that: “...*A byi tshamisekangi. Hi ku, aku ri na maphorisa man’wanyani lama a ma rhangele cluster ya Giyani. A va lava ku nghenelela timhaka ta vukosi, leti va nga ti*

tiveki, va tshika ntirho wa vona wa vuphorisa... [“...The police-community relationship is not good...There were certain officers in the Giyani Cluster who interfered in traditional leadership affairs, which they are not familiar with. They were meddling in these matters, abandoning their police responsibilities ...”].

As a result, distrust and disrespect between some traditional leadership and the police have a negative impact on partnership policing. The relationship between role players in the partnership is presented in other sections in this research. It is important to address these matters urgently, so that there can be effective implementation of partnership policing strategies in all areas. The failure to attend to these issues will result in strained relations. While the partnership phenomenon is known in South Africa, it is still necessary to educate community members about their roles. Consequently, members of the community and other role players will be empowered to meaningfully contribute in the effective implementation of partnership policing strategies in their areas. The next theme presents the evaluation of the relationship between role players.

A House of Traditional Leaders participant said: “*Se, loko hi karhi hi twa eka mahungu ku ri, phorisa ri khomiwile, ri yive mpahla, ri faye mavhengele, ava yiva yini, a va ba tibhenge, hina vaaka tiko swi hi veka kwini, eka ku tshembha eka maphorisa. Swa komba ku ri, hi nge he vatshembi...*” [“...When we hear about the police official who has been arrested for theft, business robbery, bank robberies, we lose trust and respect for the police. It is clear that we will never trust the police again ...”]. This is a serious matter, bearing in mind that the police represent the government. Therefore, when citizens lose trust and respect because of a few bad police officers, it will be difficult to restore this going forward. An additional concern is that, when this happens, the community becomes hostile towards the police, as one House of Traditional Leaders participant said: “...*Maphorisa a va pfumeli ku ri, ha swi tiva ku ri va na ku tikeriwa. Sweswi hi swi vonaku va karhi va endliwa swona kwahalaya “Wits”, tani hi murhangeri, aswi ni tsakisi loko ni vona munhu a teka ribye a hoxa phorisa. Na phorisa i n’wana wa munhu, i vana va hina va lavaya. Loko mo vona, loko se va hoxeteriwa hi maribye, vona vo fanele va yima, va bukhela va vaviseka, aku na nandu. Marha loko phorisa ri vavisa munhu ri na nandu. A swi hi khomi kahle tani hi varhangeri va vukosi. No-no-no... Hi ku, loko se maphorisa ya hina ma fanele ma dlawa loko va fanele va*

“khontrola” vanhu, hi swihi?” [“...The police do not believe that we know that they struggle. As a leader, I am concerned at what is happening at Wits. I am not happy when I see a person throwing stones at the police. The police officer is also a human being from a family, and they are our children. Some would expect them to do nothing when stones are hurled at them. We are disturbed as leaders when we see this kind of things happen. Why should our police officers be killed when doing their work? ...”]. However, this traditional leader hopes that things will improve going forward, as he said: “...Kambe sweswi, ndzi vona ongeti swi ta antswa hi ku, varhangeri lava nga kona sweswi, Eh, i vanhu lava hi va tivaku, va tivaka ni timhaka ta vukosi, va tlhela va va machangani. Se, ni vona na sweswi va nibyerile ku, va ta va na, va ha ku nghena...” [“...But now I hope that things will get better because the current police leadership are well known to us, unlike in the past. They also understand traditional leadership structures well...”].

According to one traditional leader, one of the biggest challenges in the Giyani Cluster is resources, both human and physical. A participant from the House of Traditional Leaders explained the challenge faced by the police in the cluster by saying: *[“...Hi ku Cluster ya Giyani yi khumbha ku suka eSaselamani ku ya fika Hoedspruit. Se, va ha ku ni byela leswaku va le ka “Agenda” ya ku, va famba va vhakela tihosi leswaku hi va byela ti-probleme. Then, la ka Siyandhani loko hi swi langutile, lavaya ava ri kona ava nga ri na ntirhisano. A ku va ngi...Policing Forum loko yi hlawuriwa, awu kuma ku ri, munhu wa kona loyi a nga rhangela maphorisa, anga ha tirhi timhaka ta vuphorisa, u lava ku nghenelela timhaka ta vukosi. Se, hi laha swilo swi nga fika swi nga ha fambi kahle, until today, a a va hi tisele nkulukumba wun’wani wa ka Chauke. Sweswi va n’wi tekile va nwi yise eka Miyexe, kambe, a a ri munhu wo tirha kahle ngopfu. Swinene...Kambe, loko va ta va ta n’wi teka, a va ha hibyeli hina va vukosi bya ka Siyandhani ku, munhu luya ahi mi tisele yena, loyi ami tirha na yena hi n’wi susele yini? I vi hina hi ku, ina, n’wi suseni kumbe mi nga nw’i susi, va tlhela va ya hi vuyisela loyi hina a hi nga n’wi lavi ku ta fika sweswi. Ene anga tirheki swona. I n’wana wa kwala ka Siyandhani, u tshama eka Mapuve. Ene ange le ku tirheni swona. Yena u le ku tirheni ka timhaka ta swa vuhosi na timhaka ta vuphorisa...”]. “...Giyani Cluster range from Saselamani to Hoedspruit...I have just been informed that police leadership have an agenda to visit traditional leadership to listen to their challenges. In this area, the police who were here before were not trustworthy. When the Police Forum was established,*

the leader of the police was not doing his police work, but meddled in traditional leadership affairs. That is where things started to go wrong. There was a person known as Chauke who has since been deployed in Miyexe village. This was a very good officer, but they never gave reasons why he was deployed and we were not even informed as traditional leadership. We would have either agreed or disagreed with the decision. The one who is currently brought to us is not doing what he was supposed to be doing; instead he interferes with traditional affairs because he is from this area”.

Moreover, this participant would like to see a situation where there is a clear distinction in terms of the role of the police and the traditional leadership. “... Se, na sweswi, eka lava va nga kona, hi lava ku va byela ku...A ku tirhiwi vuphorisa...Ku thsikiwa ku tirhiwa timhaka ta vukosi. Timhaka ta vukosi ti le tlhelo, timhaka ta vuphorisa ti le tlhelo. Timhaka ta maphorisa, i ku lavana ni swigevenga”. [“...We would want to inform the current police officers to concentrate on police functions and leave traditional leadership affairs to traditional leaders. The main function of police officers is to look for criminals and arrest them...”]. The participant went on to say that it is not easy for them because they are often neglected and not invited to meetings. Further, it appears as if the Community Police Forum is non-existent: “Se, loko hi nga ri na ti-Forum, a swi tirheki, hikuva, vanhu, ngopfu-ngopfu, vanhu vo ta hi le handle...Swa karhata masiku lama, hi ku, loko va fika, van’wani va ti tumbeta...Ndzi nga mi nika...ni nga mi byela swa mavhiki lama nga hela. Ku ve ni wun’wani wa mu-Zimbabwe...A nga fika a “Hayara” a mutini wa wun’wanyani...Then, ku na xihlangi xa n’wana ntsongwani ya mina. Hambi swi lo huhwa kwalahayani, mi swi tivaku ku, xihlangi i nge xi “khontrola”...Xi lo teka xiribyani xi ba nyani fastere. Mu-Zimbabwe luya hi loko a teka n’wana luya, a n’wi bukutela a n’wi tsema mavoko. Na sweswi tiko ri yime hi milenge, ivi va n’wi hlongola...” [“...It is difficult for us to do our work when there is no Community Police Forum. We have problems with foreigners in this country because when they arrive here, they are not documented. For instance, in the past week, a Zimbabwean leased a property in the village here. One day children were playing outside and one child accidentally broke a window where this foreigner was lodging. The foreigner beat and broke the child’s hand. As a result there is violence in the village because of such an incident ...”].

According to this traditional leader, crime can be controlled if the police do their work efficiently: “...Se, marha loko swi ya emaphoriseni, i kuma kuri mintirho ya maphorisa,

vo tala...Eh! Tatani Mabunda, va tinghenise ngopfu eka “corrupt”...Hi ku, na phorisa loko ri ta hi lahaya, u rivona ri ri xigevenga...Loko socha ri ta hi lahaya, u ri vona ri ri xigevenga. Hosi loko yo ta hi lahaya, u yi vona xi ri xigevenga. Hi ku, hileswi mi kumaka leswaku tatani Mabunda, na timhaka ta vukosi...Loko mi ti langutile, a ta ha ri tona, ta vukosi bya khale...Hi ku, vukosi i xi-ntu...Vukosi a hi ku dyondza...Marha loko mo languta sweswi. Tihosi ti yisiwa eti-workshop ti ya dyondzisiwa. Mina ani tivi ku tihosi ti dyondzisiwa yini hi ku, vuhosi ti lo tswaleriwa...Hosi u fanele a fuma xi-ntu...” [“...What concerns us as traditional leadership is the involvement of most police officers in corruption. When you see a police officer, you see a criminal. The same applies when you see a soldier...even some traditional leaders are seen as criminals. Traditional leadership is no longer the same. It has lost its dignity and respect. These days, you find a situation where traditional leaders are taken to workshops. In the past, these things were not happening because a traditional leader was born and not made. That is the old tradition...”]. Furthermore, society is faced with various uncommon challenges because communities have abandoned their old traditional ways of doing things: “...Loku mi languta sweswi, timpfula ata ha ni. Marha hi nawu vukosi, aku ri naku, loko xiyimo xi yimise leswi, ku laviwa vanhu vakulukumba, lava va tivaku ku, loko hi endla leswi, mpfula yi ta na. Loko vo endla namuntlha, vhiki ri nge heli. Va endla namuntlha, mundzuku mpfula yi na...” [“...When you observe, today rain is very scarce. When a situation was like this in the past, respected and knowledgeable men would find solutions. They would perform their rituals and within a day or so, rain would come down ...”].

From the abovementioned feedback, it is apparent that the participant is also concerned that there is a leadership vacuum in the country. The participant expressed his concern as follows: “...Xin’wani xi ni karhataku, vona valava va nga henhla, ko fana na Office ya president, Office ya ministara wa police, na-ti-stakeholders hinkwato, leti nga kona aka police, ava koti ku sirhelela maphorisa. Ku na lava va va vitanaku, lavaya va va vitanaka kuri i “IDC” [meaning Independent Police Investigative Directorate – IPID], valavo va vonaku ku ri, maphorisa ya tirhisa ku yini. A hi vuli ku vakahle hinkwavo, marha, a a va ringeti ku dyondzisa vanhu lavaya ku, loko phorisa ri onhile, a ro famba ri paluxiwa, ri fanele ri tekiwa, ri ya “discipliniwa”, ku ri laha, he mfo, laha ahi ku tholelangi swona. Se, i vi na vona maphorisa lawa, va kota ku, swintsongo leswi mfumo wu va nikaku, a a va swi hlayise. And hi ku vona ka mina tatani

Mabunda...Eh! Phorisa, Nurse, Thicara, hi lava loko ku engeteriwa muholo...A ku fanele ku ri vona vosu-sungula ku engeteleriwa muhlolo, ku tlula ti-department hinkwato...” [“...I am very much concerned to see that leaders like the President, Minister of Police and other stakeholders, are unable to protect the police. The Independent Police Investigative Directorate (IPID) should do more to protect the police. Leaders should educate the community to protect the police, and to ensure that a police officer who violates the law is properly disciplined, not condemned publicly. The police should also be taught to respect their jobs. Furthermore, the police, nurses and teachers should be the first to receive salary increases before workers from other departments...”].

According to the participant from the House of Traditional Leaders, it is unacceptable that those who have produced ministers and other leaders are earning far less than others: “...Se, hi ku, president la vulavulaku xilungu u huma eka thicara. Ministara la vulavulaka xilungu u huma eka thicara. Se, hikokwalaho ka yini hi tshika foundation. Loyi a sungulaka foundation a aka munhu, ku kondza a ya fikelela ehenhla, a va Profesa, marha muholo wa yena wu ri hansa. Marha ti-politician, va tiholela mali yo tala ngopfu. Xana va tirha yini ti-politician leti? Ku vulavula ntsena? Na ku vona ku ri swilo etikweni swi fanele swi fambisa ku yini? I tlula loyi a ku-protectaku, i tlula thicara loyi anga ku dyondzisa ku u ta u ta vulavula xilungu u va ni vitivi, because vutlhari munhu u tswariwa na byona. Marha vutivi, munhu o famba aby lava. And, ku fana na sweswi mi nga ku endleni ka research, mi lava vutivi...” [“...The president is able to speak English because he was taught by a teacher. So is a Minister. Why is the foundation (teacher) being undermined? The teacher teaches, even professors, yet their salary remains very low. The politicians pay themselves high salaries. What are they doing to deserve high salaries? Are they getting high salaries just because they talk too much or for organising things? Why should they earn more than our protectors (the police)...”].

According to this participant, the President and the Minister of Police should do more to see that the police are protected and respected: “...Se, hi lexi tatani Mabunda ani vona ku ri, Minister wa maphorisa, president, ava ringeti ku tshama va languta ku ri vana va hina va le ku xanisekeni avuphoriseni. Vabhukuteriwa himaribye va miyela...Loko phorisa ro duvula munhu, valavaya va vulavisisi va timhaka ta maphorisa, swin'wanyani wa swi vona ku, loko va lavisisa ku, leswi, hindlela leyi munhu

loyi a lavisisisaku xiswona, ni makhomele ya kona, ahi swona...A hi wona... [“...I believe that the Minister of Police and the President should ensure that our children (police officers) are not suffering. Stones are hurled at them and they have to be arrested and charged by the IPID when they shoot to defend themselves. The way they are treated is not correct, because the investigations are often not objective, but intended to punish the police at all costs...”].

Consequently, the training received by the police appears to be inadequate, according to the participant: *“...And loko mo swi langutisisa kahle, sweswi va va dyondzisa... mina ni tsundzuka kahle, tatani Mabunda, lahaya Hmanskraal, phorisa a a ri ya six months... Six months ntsena. Marha loko a vuya, a a vuya ari kahle, a ri na quality education yin’wani yo chavisa ngopfu...Marha sweswi va ya va ya heta malembe...Va vuya va nga ri na nchumu. Hi ku xin’wanyani lexi karhataku, aka timhaka ta vuphorisa, ku nghenelela ngopfu na timhaka ta ti-politiki... Van’wa-tipolitiki a a va ringeti ku tirha timhaka ta ti-politiki...Va tshika ku nghenelela timhaka ta maphorisa...” [“...I remember that training used to be done in six months in Hammanskraal. However, when the police officer finishes the six months, he/she was well trained with quality education. Now they spend a year in the training institution only to return with little knowledge. Political interference in policing is the main problem. Politicians should leave policing affairs and concentrate in politics...”].*

Another participant indicated that the relationship is good in that there are established structures: *“...Yes, those Imbizos. Structures like CPF, Executive, Rural Safety, Victim Empowerment, and Youth against Crime. So, all those structures...the members, Executive members, they assist us together with the traditional leaders to cascade the information to the community members, to say we need the police, the police are asking this, or are advising us to do this, so that we can prevent this and this...Exactly yes. Even us as police we cannot be able to do anything without the community and the traditional leaders. Therefore, we are working hand-in-glove. And to...reprimand each other if there are some problems...So, if there are community leaders, they come to us and advise us to say, police; here you are not doing enough. So, that we can improve our services...”* A traditional leader indicated that the police take long to respond to reported crime. He also indicated that they only see police vehicles when a crime has been committed, but do not see police patrolling their area. One traditional leader said: *“...Tinhlegeletano va ti endla...Mmm...Se lexi, eka xiphorisa...Mmm... Hi*

swo swa ku ...Mmm...vana ku jika-jiki...Mmm...“Ku-preventer crime”...Mmm...Se lexi, eka xiphorisa...Eh! Ya jika-jika. Ti va ti ri kona loko ti vitaniwile. Mmm...A ni se tshama ni swi twa. Vuxaka...Ku fanele ku va na vuxaka...” [“...Meetings are organised...I remember that training used to be done in six months in Hammanskraal. However, when the police officer finishes the six months, he/she was well trained with quality education. Now they spend a year in the training institution only to return with little knowledge. Political interference in policing is the main problem. Politicians should leave policing affairs and concentrate on politics...”].

The next theme that is discussed explores the recognition of traditional leadership by the government.

6.2.5 Recognition of traditional leadership by government

Section 12 of the Constitution of the Republic of South Africa recognises the institution of traditional leadership (Nthai, 2005:1; Tshehla, 2005:1). However, some traditional leaders claim that their role in the new South Africa is being neglected. In contrast, while the institution of traditional leadership is in the Constitution, some traditional leaders feel that they are isolated with regard to matters of importance. At the same time, it is evident that the government supports some traditional leadership more than it does others. This is largely for political reasons, as some of these leaders represent the majority of voters (arguably).

In response to the question “Has the South African government managed to efficiently integrate the traditional leadership institution in partnership policing in the rural areas of Limpopo?” one traditional leader had this to say: *“...Tatani Mabunda ku hava ku cinca. And sweswi swo va “worse” hi ku, tihosi a ta ha hloniphiwi. Loko u ri murhangeri, a hi ali ku ri vanhu va fanele va va ni-xi-ave e ka ku rhangela ka tiko. Kambe mfumo wa hina wu fanele wu fika wu dlaya xi-ntu xa tihosi. Hi leswaku, a ho vanchumu. Lava swi nga nchumu, sweswi va lavaku ku veka milawu, sweswi Masipala a endla leswi, na leswi, na leswi. Hosi inga ku a ya ha ri nchumu. Kambe eka Constitution, vukosi byi kona. A va le ku endleni ka nchumu, va le ku dlayeni ka ndhavuko, loko hi ri karhi hi swi languta hina, eh!” [“... Mr Mabunda there is no change. Now it is worse, because traditional leadership are no longer respected. As a leader, I support those who assist me in leading the community, but I feel that the government is determined to destroy*

the institution of traditional leadership. Municipal representatives or Councillors are even more respected than traditional leadership. This allows these representatives to treat the traditional leadership as commoners. They do not respect traditional leaders at all. However, the Constitution recognises the institution of traditional leadership. Nothing is being done to protect traditional leaders from these destructive tendencies...”]. It is evident from these comments that the participant is frustrated at developments since the advent of democracy in 1994. In addition, to the participant, it appears that the government does not understand democracy.

According to this traditional leader, these elected representatives know that they will be in their positions for a short period of time and they do not understand that traditional leaders are born into leadership positions: “...Mina ni vona ku ri, tihosi a ku fanele ku hlanganiwa. Lexi xi karhataku tatani Mabunda, ngopfu-ngopfu kwala Limpopo, Ku na tindzimi, ku na va-Vhenda, ku na Machangani, ku na va-Pedi, ku na van’wanyani lava hala va ngo hi le Kwa-Ndebele. Loko ni hlayela kahle i nga ku I five, kumbe six, na xi-Swazi. A ku fanele ku tshamiwa hansi, ku hlanganiwa, tihosi leti hinkwato hi endla xilo xin’we. Ha swi tiva ku ti-culture ta hina ta hambana...” [“...I would suggest that traditional leaders call a meeting. Furthermore, I would like to see Venda, Shangaan, Pedi, Ndebele, Swazi (about six if I am correct) clans in Limpopo coming together as one. I know that our cultures differ...”].

Consequently, these meetings will assist in restoring the institution of traditional leadership to its former glory: “...Kambe loko ho tshama hi boha ku ri, vukosi a a byi vuyerisi leswi a a byi ri xiswona, instead ya ku hi byeriwa ku ri i xi-democracy lexi hi ngaxi tiveku na ku xi-democracy swi vula yini. Hi ku loko u languta “D” i demon. “Cracy” a hi swi tivi ku ri swi vula yini. Se, i xilo lexi hi nga xi tiveki, xi ngo ta hi le moyeni. And, i xilo xa valungu, a hi xilo xa vanhu vantima...That is why swilo leswi a swi nga ri kona. Swilo a swi fambi kahle, hi tirhisa xi-ntu...” [“...This meeting will be able to come up with a clear direction as to how the traditional leadership institution can be restored to what it used to be in the past. Instead, the current government imposed so-called democracy upon us. We do not even understand what this democracy is because it is foreign to us. When you look at it, “D” represents a demon. We do not know what “cracy” means. Things were going well for the institution before this so-called

democracy was introduced to us. We used to do things in a traditional way, according to our culture...”].

One traditional leader participant felt that the government has made some progress in integrating the institution of traditional leadership: *“...Hi vona va teke ghoza ra kahle swinene. Hambu kuri kun’wani swa ha salele endhaku, Swa ha lava ku engeteleriwa kumbe ku “improvhiwa” ku ri loko vuxaka lebyi byi kula ku ya emahlweni. Hi kuva loko sweswi mo languta, na ti meeting leti hi va ku na tona ni va-aka tiko, to fana ni ti “Rural Safety”, hi va hi ri ni vanhu lava nga “representa” kumbe va nga yimela vukosi. Swa hi pfuna ku va hi kota ku tirha hi ndlela yoleyo. Monthly. Mmm! Vukosi byi hi nyika munhu loyi a yimelaka vukosi. Lava va tin’anga va hi nyika munhu hi ndlela yaliya. Lava va CPF hindlela yaliya. Hi nkwaswo swi-stakeholders swi va swi “re-presentiwile”. [“...There is some progress, even though there are some challenges. A lot still needs to be done to improve the situation going forward. You will remember that even in the Rural Safety meeting we have every month, we have representatives of traditional leadership. This assists us to do our work effectively. We hold these meetings every month, and it is well represented. For instance, traditional leaders, traditional doctors and other stakeholders, such as the CPF, send a representative.”].*

One SAPS participant highlighted his satisfaction at the progress made by the government so far: *“...Yah! On that question, I can say yes. The government has done enough. Eh! Compare to the past. Eh! In addition, the other thing that we can know is that, yes, South Africa is having good policies that are there in South Africa. However, the little problem that we are having is the implementation...But as SAPS members, we are there to say, eh! The government have done enough. Because, most...kumbe... most traditional leaders...they are on the line of saying, they have that passion, to say they are working hand-in-glove with the SAPS. So that all their places must be safe and secure in their properties and their people...of South Africa”.*

From the above, it appears that the government still has much to do in order to make traditional leaders feel that they are part of the country. This will ensure that traditional leadership is motivated to participate in development initiatives by the government. Without the support of traditional leaders, development of communities, particularly at local (rural) areas will be negatively impacted. Furthermore, the traditional leadership institution has been in existence for centuries; therefore, it cannot be wished away. It

is further evident that the traditional leadership institution is the only authority familiar to the majority of South Africans. They are still grappling to understand the democratic way of doing things. That is why some traditional leaders openly regard democracy as an evil thing that is imposed on them. As a result, they oppose everything that the government is trying to do in order to improve the lives of ordinary citizens.

6.2.6 Challenges associated with the traditional initiation school season

During the traditional initiation seasons in various provinces in South Africa, there are several reports of illegal initiation schools and of individuals who act against the law. Illegal initiation schools are often reported in the media and are of great concern as they pose a serious risk not only to children, but also to society as a whole.

In response to the question “What are your views on the challenges associated with traditional initiation schools in this area?” one SAPS participant who was concerned about so-called illegal initiation schools expressed his view by saying: “...*We always close illegal initiation schools when we find them...*”

According to one COGHSTA participant, provincial officials and police are reported to have been visiting all the schools in the affected areas at all times: “*Ahi swi lavi ku vona Madlala lowo ka anga ri enawini*”. “... *We do not want to see anyone operating illegal schools...*”. At times, it is very difficult to access these illegal schools because they are established in the mountains and bushes far away from residential areas. It is reported that the operators of these illegal initiation schools charge very high amounts, as they know that there will be a harsh sentence if they are discovered. When asked about the existence of illegal initiation schools in the area, another COGHSTA participant said: “...*A ni se swi twa. Swi ya hi tihosi teto ku, loko munhu anga endli leswi swi nga nawini, mi nga n’wi pfumeleli ku endla swilo leswi swi nga riki enawini. Na ku, swilo leswiya, “Mayini” loyi a endlaku swilo leswiya engomeni, i fanele a ri na vutivi. Ni nga mi nyika example. A ku ri na va ka-Mavulweni. Hi vona a a hi tiva vona laha. Sweswi loko hi twa, la ka va-Mbebulu, ku na va ka-Tshwara. Hi lava hi va tivaka ku ri, i vini lava va nga tumbuluxa tingoma. Vo fana na va-Gauteng, i ti-“chance” letiya tani hi loko ni vula tatani Mabunda ni ku, tingoma ta masiku lama i bindzu...*” [“...*I have not heard about the existence of illegal schools in this area. It depends on the traditional leader in a particular area if he allows people to perform illegal things. A*

traditional surgeon, known as Mayini, is supposed to be an experienced person. For instance, in this area there were well-known traditional surgeons known as Mavulweni. Those were experienced and well-known traditional surgeons. Now there are Mbebule and Tswara who are very experienced traditional surgeons, the founders of traditional initiation schools. Those who are operating in urban areas like Gauteng are “chancers” as I have indicated that they are doing it only to benefit financially ...”].

One traditional leader sketched a practical illustration of how traditional initiation schools used to take place in the past: “...A hi tivi ku ri na ngoma hina e-Gauteng... E-Gauteng a ku na hosi phela. Ko va e ku tirhiweni...I tinkoponi, yini-yini...Marha vanhu va “chancer” hi ku mfumo wa tsandzeka...Yimani ni swi vula leswi tatani Mabunda, a ni lavi no kanakana, hayi...Munhu a nga ya kwihi na le kwihi, laha South Africa nawu ka ha ri hava...Laha ku nga na milawu, mi nge pfuki mi twa ku ri ku endliwe swokarhi. Ni nga mi byela hikhwala va-Zimbabwe, mi nge yiteki chance yo, swilo swi nga ri nawini, mi ku mita swi endla. Marha loko mo languta tiko ra hina, milawu a ya ha ri kona...” [“...Gauteng is not a suitable place to establish a traditional initiation school...There is no traditional leader or chief in Gauteng, people only go there to work, and these people stay in the mines and squatter camps...People are just taking chances because the government is unable to do anything about it...”].

In response to the question “What can be done to improve the situation?” one traditional leader said: “Mi ngo ni mi byela tatani Mabunda, ndzi nga kanakani, munhu anga ya kun’wani ni kun’wani e Afrika-Dzonga, a ku na nawu. Lomu ku nga na nawu, mi nge twi swilo swo fana na sweswo...loko wo ya e Zimbabwe u nge twi swilo swo fana na sweswo...unge ringeti ku endla swo ka swi nga ri enawini...kambe loko u languta etikweni leri, nawu ni vululami ku hava”. “Let me tell you something Mr Mabunda, without hesitation, a person can go anywhere in South Africa, there is lawlessness everywhere...Where there is law, you will not hear such thing...You can go to Zimbabwe, you will not take a chance there to do illegal things...But when you look, there is no law and order in our country...”

Furthermore, the traditional leader also indicates that many things being done these days were unheard of in the past: “...Leswi a swi nga endlwi, that is why mi vona crime ya South Africa tatani Mabunda, loko hi vulavula hi maphorisa, yi kule ngopfu ... I vanhu vo huma ematikweni ya le handle... And vanhu lava va endlaku swilo leswi, vo

tala a hi vanhu va South Africa... Hi ku loko mo languta tiko leri, tiko leri tatani Mabunda, yimani ni swivula, mina a nga ta wun'wani na wun'wani ni nga raha na kwala kaya ... Hi leswo xilo lexi, South Africa, ni nga xivitana ku ri hi le "banana republic". ["...This never happened before and that is why crime is so high when we talk about the police...It's the foreigners who are behind all of this...what I mean is that foreigners are responsible for all this mess...Let me tell you Mr Mabunda and I am not afraid of anyone, I can defend my stand at any time...In fact, I regard South Africa as a banana republic..."].

The participant furthermore demonstrated what characterises a banana republic: *"Loko hi ku banana republic hi vula South Africa...Un'wani na un'wani, sweswi a wu tshama u vona kwala ka Siyandhani ku ta munhu wa le Zimbabwe kumbe ku ta munhu wa le Congo, a fika a ta "Macha" la Siyandhani a ku u na "ti-rights?" Ta le kwini? Hi ku, ani n'wi tivi mina, I munhu wa le handle...Marha a South Africa, ku na vanhu lava va yaka va ya "Macha" etikweni. Ivi mfumo wa kona wu tlhela wu nga vuli nchumu. Hi tshama hi ya hina eZimbabwe hi ya "Macha"? Hi tshama hi ya hina eCongo hi ya "Macha"? Hi tshama hi ya kwalomu vo-China kwala va hi rhwalaku va hi yisa kona? Yimani ni mi nyika example hi kwala ka Siyandhani...Lahaya dorobeni, va masipala va hina va teke ndhawu liya va nika vanhu vo huma ehandle, ani nge va vuli hi mavito. La a ku fanele hi "reserver" ndhawu liya laha vana va hina va nga ta tiendlela ma-business, hikuva, hi le kaya ka vona. A-joni va lo yela ku tirha. Tatani Mabunda, that is why ni mibyele ku ri laha ka Siyandhani ku na ndhawu leyi nga "reservhiwa" ku ri yi va ya mabindzu ntsena, vanhu va mina va kota ku kuma mintirho". ["...When we speak about a banana republic we mean South Africa...Where have you seen a person from a country like Zimbabwe or Congo coming to our village to march, saying he/she have rights? I do not recognise such a person because he/she is a foreigner...But here, in South Africa, foreigners are given a right to march against our country. Have we gone to Zimbabwe, Congo, or China where our leaders are always taking us to do a march? ...For example, here in the village near town, the Municipality took the land and gave it to the foreigners, but I will not mention their names. We were supposed to reserve that place for our children to do business in future, because that is their home. Our children are in Johannesburg to work. That is why I tell you that in my village, there is a place reserved for my people to do business and to create employment for them in future"]*. The participant went on to outline plans regarding development in his area.

These plans are about the development and creation of employment for his people: *“...Sweswi ku na vanhu va lava ku byala “Muringa”...Va lava ku endla “firm” ya Muringa...Va lava ku endla xikolo xo dyondzisa vanhu va vurimi... Va lava ku endla “firm” yo endla mpahla, matshan’weni yo hi ya va-Cape Town...Ni le ku swi inaneni swilo sweswo, vanhu valava vakona...Na Machinery ya ka-Mahindra yo endla timovha...Sweswi “ni-busy” na ku “recruiter” ti-garage ta timovha ku ri ati vuyi la Giyani...Ku ta ku ta endliwa mabindzu, vanhu va mina va tirha va hanya vutomi bya kahle.”* [*“...There is a firm/company who have plans to plant Muringa plants...Furthermore, they want to build an agricultural school...they want to establish a clothing company, to assist us from going to places like Cape Town to buy clothes...Mahindra car manufacturers are also interested in starting a car manufacturing company here...I am currently busy recruiting companies that sell vehicles to come back and invest in Giyani...for our people to get jobs and live better lives...”*].

Lastly, the traditional leader explained his grand plans to have the streets in his village tarred: *“...Ni nga mi nyika example leswi ni lavaku ku swi endla kwala ka phakati ka munti...A na ha lavi la ka Siyandhani loko na ha ri kona...Ni kuma ku ri, that is why ni pfule na “trust” ya vukosi, ya tiko. Ni “planner” ku, switarata hinkwaswo, ni ta lavisisa, ku ri kuchela xikontiri swidurha ku fika kwihi. Ku “paver” swidurha ku fika kwihi. Lexi ni nga ta vona xi antswa, switarata swi fanele swi “phevhiwa”. Hayi vanhu va mina, loko a vuya hi movha, a fika a huma axikontirini a ya nghena a ka “gravulu”, no, no, no... Yi fanele ku suka a patwini ra xikontiri, a ya kaya ka yena a fika a paka movha wa yena kahle. A ti twa ku ri, ni le kaya. That is why na ndhawu leyi ni lava ku yi cinca. Yah!”* [*“...For example, I have plans for this village...I do not want a situation where...I have trust...all the streets must be tarred. I will investigate how much it will cost us to pave or have all streets to be tarred. The most affordable will be done first...I do not want my people to drive all the way on a tarred road and when they have to get to their houses they drive on the gravel road. No, no, no...The vehicle must drive on the tarred road until a person gets into his yard...That is why I also want to transform this place...”*]. Participants’ opinions regarding the policing of initiation schools and villages will follow.

6.2.7 Policing initiation schools and villages

Policing initiation schools have been negatively affected for various reasons. One of the reasons is that police officers who have not gone to the initiation schools are not permitted to deal with the crimes associated with traditional initiation schools. This poses a challenge to human resources.

When asked about who attends to complaints, if any, in the initiation school, the SAPS participant had this to say: “... *Yah! Mi ta tsunduka kahle leswaku laha ka area ya hina ya Giyani, aku fani ni le majoni, ni kun’wani na kun’wani. Vanhu lava nga tala lani, votala va hina hi huma lomuya switandini, And loko hi huma eswitandini, minkarhi yo tala hi va hi huma kwale swi humelelaku kona sweswi swa ti-initiation school... Lero, votala va hina, ni ngo vula kuri, hambu loko ndzi nga ri sure hi ti percentage, marha, kwalomu ka vo ma 80% swi nga endleka hi va hi yile...Lero, hi ndlela yin’wani ha va byela na vona kuri, loko se swifikile, hinkarhi wolowo leswaku vanhu va va-athenda le, mi nga yi n’wina mo ka mi nga dyangi vuswa (meaning those who have not gone to the initiation school are not allowed to go anywhere near the initiation school)...Eh, va nga yi. Hi kuva ani ri swin’wani swi ta endla ku ri se hi holova ni vanhu lavaya va tirhaku swona va ku, se hi delela swilo swa vona. Se hi “make sure” ku ri vanhu lava va yaku le, I vanhu lava va nga ya e ka Madlala and va twisisa leswi humeleleku kwale*”. [“...*This area of Giyani is different to other places...The majority of policemen in this place are from the villages and more that 80% - if I am not mistaken - have gone to the initiation school...Therefore, we tell them that when a report comes through, commanders must not send those who have not gone to the initiation school...Because we do not want to come to a situation where there is a clash between traditional leaders and the police as they will think we undermine culture...So, we make sure that police officers attending cases in the initiation school have been initiated themselves and they understand what is happening there...*”].

In addition, the participant indicated that female police officers are not allowed to go anywhere near the initiation schools: “...*Mmm. Hileswaku minkarhi yotala, a hi va pfumeleli ku va ya le. Lexi xi nga kona loko mo languta kahle eka timhaka ta maphorisa lama ma nga tala laha, ku na vanhu lava va tirhaka ehandle. Ku ni lava va tirhaka eti-offisini. Loko ko tshika ku ve ni report, ha swi kota ku va hi-“identifier” lava va nga kotaka ku ya eka Madlala. Loko ko tshika ku ve ni report eka Mahlathi hixikombiso, hi*

kota ku hlawula vanhu vo karhi lava va nga ta tirhana na wona until ku ze ku ya fika emakumu”. [“... Female officers are not allowed to go to the initiation schools...We have selected/identified police officers who work with cases associated with initiation schools...These police officers are working with initiation school-related cases until the initiation schools are closed...”].

In response to the question “What are your views on the role of the police in the policing of initiation schools in this area?” one SAPS participant indicated that, as police, they do not always interfere in traditional initiation matters unless there are violations of the law: “...Lexi ni xivonaku minkarhi yotala, hambu loko swi n’wanyani swi nga khumbhi hina ngopfu tani hi loko hi ri maphorisa, I ku ri vanhu lavaya loko va twananini, ani ri ma swi tiva ku ri eka Madlala minkarhi yo tala, vanhu lava yaka le ka Madlala I vanhu lava minkarhi yo tala va ngo “ti-lingarela. Se minkarhi yo tala, le ka Madlala ku na swo tala. Ku pfa ku dyiwa-nyana swilo swi n’wana swo fana ni ti-drugs, alcohol abuse, va ti kuma va ri karhi va nwa mabyalwa. Se, van’wani va ya hi xikongomelo xo ya nwa byalwa, va kota ku ri nkarhi wun’wana, swin’wana swo fana na tihuku, swi pfa swi yiviwa, swi helela kwalomuya. I swin’wana leswi ni swi vonaku ku, swi fanele va swi “improvha”. Nkarhi wun’wana munhu a ngo ta a khome swilo hi ndlela yin’wana. And minkarhi Yotala vanhu lava ka Madlala, va tala ku famba vusiku. Van’wanyani ani ri hina hi nga ya eka Madlala mo kumana nkarhi wun’wana mi sungula ku yimbelela hindlela yoleyo. Se, huwa na yona nkarhi wun’wana, hambu loko mi yimbelela tinghoma leti khumbhaka ndhavuko wolowuya, marha still ku na van’wana lava swi va “disturbaku”. [“...We do not necessarily interfere in the traditional initiation schools...Normally, those who often go to the initiation schools are those who linger around...However, there are a lot of things that take place in the initiation schools...Sometimes they are having fun, but there are also reports about drug and alcohol abuse...There are those who have intentions to commit crimes, like stealing chickens...These are some of the areas of concern, aimed to improve the situation...Those who do illegal things are normally operating at night...They will start singing as if they are part of those who are going to the initiation schools, meanwhile their intention is to commit crime...only those of us who have gone to the initiation schools understand these things...Yes, even if these things happen in the name of culture, there are some in the community who feel that they are disturbed in living their normal lives...”]. One COGHSTA participant indicated that “traditional surgeons” in

their areas are very experienced people working with responsible teams: *“Ni na sure ku ri loko mitsunduka kahle, loko ku ri ku mi ta va mi tshunerile mi ya eka ndhawu liya, eh, yes, Mayini hi yena n’winini wa swilo leswiya, kambe na yena uthlela a qacha munhu loyi minkarhi yo tala a tshamaku lahaya. A karhi a vona swilo hinkwaswo leswi karhi swi hume lelako. Kun’wanyani swa hume lela i kuma ku ri nkarhi wun’wanayani wa “controller”, Nkarhi wun’wani a ngo kota ku “va controller” hinkwavo. And ehansi ka yena kutlhela ku va ni “Vadzabi”. Vadzabi hi vona va kotaku ku vona leswaku “ti-group” leti n’wani leti nga hansi ti vona leaswku ka tshiveriwa mindzilo, ku endliwa hinkwaswo ku va ni “control”, hi ku pfunana na vona. E ku heteleleni swilo swi fanele kuri swi fambi kahle. Marha lexi nga kona iku ri, ti-report leti ti fanele ti famba ti ze ti ya fika kwale ka Mayini. Se, yena ni sure kuri loko ari karhi a tirha ntirho wa yena kahle, nkarhi hinkwawo u tshama ar ni “ti-meeting” va va va ri karhi va nyiketa “feedback”, eh, “about what is going on”. [“...I am certain that you saw that the traditional surgeon does not work alone, but works with a team...You might have noticed during your visit to these initiation schools...These people who are working with the traditional surgeon are always monitoring the situation and always update the surgeon about everything taking place there...The traditional surgeon does not always see everything, but he has control over everything there...Instructors [known as “Vadzabi”] are instrumental to ensure that everything is in order, the fire is always burning, etc. ...In the end, all goes well...All developments are reported to the traditional surgeon...They always hold meetings to ensure that all goes well”].*

One participant from the SAPS emphasised that they do not hesitate to investigate when there are reports of criminal activities: *“...Tani hi maphorisa, hi nghenelela hinkwako. Mi ta tsunduka kahle ku, loko ku tshika ku va ni timhangu hi timhaka ta Madlala, eh, hi fanele hi yi tiva hinkwayo laha yi nga kona ku ri yi lekwihi laha ka area ya hina. Na kona ku na nkarhi leyi hi yi “visitelaku” hi cheka ku ri yi yi fambi kahle ni swin’wana swa “ti-incident” leti va hi repotelaku tona. Hi ndlela yin’wani, loko ku ba Madlala hi fanele hi yi “monitara” until yi ze yi hela. Definitely...” [“... As police officers, we act upon all reports of crime...We make sure that all traditional initiation schools in our area are known and legal...We often visit all of them to ensure that all is well...When traditional schools are established, we monitor them from the beginning until the end...”].* In response to the question “What is your view on the relationship between the police, traditional leaders and community members during traditional

initiation school?” one SAPS participant said: *“We usually visit, because they ask us as SAPS, ku ri: Can you...can you visit us? ...even when there is no problem. Yah! To see what is happening. Eh! Because sometimes they invite us, but when you get there, they need those who went to the initiation school. Yes, Eh! We make sure that those who are attending those complaints there, are those who attend or went to the initiation schools. When it comes to the police officers...of women, Eh! They went there, but they cannot get inside or enter that place. They waited outside where anybody can go there and wait, even he never went to the initiation schools. So, those police officers, as women they accompany those males. Marha when they arrive there, there is a certain place where they will wait...Yes, where they cannot cross, but the male ones who went to initiation schools, they are allowed to enter, even inside to check, to see, to greet or to attend any complaint. Yes”.*

In agreement with the above participant, another SAPS participant said that they attend to all crimes reported in the initiation schools in the area: *“...Ah no! We don't wait until the initiation school come to an end...We attend, and the parents must be informed...We...attend...immediately...That...information...even...myself...(Laugh... personally, I heard it, to say, the past years, they said, when someone dies there, they never informed you until the end of that thing and is then that they can come and notify you. However, this, nowadays, there is no such, and we never encounter such incidents. So, it means that even when it can happen, because of the partnership that is there, from the Health, SAPS, traditional leaders, community members as a whole, it must be informed...Yes, there is no way that it can happen”.*

In response to the question “What are your views on the role of the police during traditional initiation schools?” a participant from Community Safety and Liaison indicated that there are other departments involved during the initiation period: *“...Tani hiloko mi swi tiva ku ri, ku na tindzawulo tin'wana leti ti “khontrolaku” kumbe ku provider swin'wani. Loko va tshika va hi rhepotela ku ri ku ni Madlala wun'wana lowu nga riki enawini, hina na vona hi ya xikanwe hi ya eka ndhawu yoleyo hi kota ku pfala ndhawu yoleyo, ni ku teka magoza lama fanelako. Laha ka area ya Giyani a hi zhanghi hi receivha case hambi ku ri yin'we...Na ku fa kumbe milandu leyi khumbhanaka na Madlala lowu awu ri kona le ka Mahlathi ahi yi kumanga. A ku ri kahle, ku horile, until swize swi ya fika emakumu....”* [“...You will recall that there are other departments involved during the initiation school period, to control and provide advice...If we receive

information about illegal initiation schools, we work as a team, and make sure that such a school is closed immediately and take the necessary steps...We have never received a report of an illegal initiation school in this area of Giyani...We also have not received a single report of a death of an initiate in Mahlathi village where there was an initiation school...All went well until the end...”].

In response to the question “What is your view on the prevention of crime in traditional initiation schools?” one SAPS participant emphasised that there are plans in place to deal with incidents related to initiation schools: “...Mmm...Mi ta tsinduka kahle nkulukumba. Loko hi nghena entirhweni every day, hi va hi khoma ti-meeting. And loko hi khoma ti-meeting, I ku va hi-planela ntirho lowu wu fanelaka wu tirhiwa eka siku rin’wani ni rin’wanyani. Lexi xi nga kona i kuri hi va hi ri karhi hi tiva kuri ti-initiation school ati tali ku va titlula mpimo. Eh, ti kona, nkarhi wun’wani kumbe hi va ni three aka area ya Giyani, swo fana nisweswiyani. Se, hi nge tsandzeki ku va hi kota ku kuma vanhu lava va nga tirhaka ntirho wo yelana nisweswo nkarhi wona wolowo. Na ku, vanhu lava va nga kona, especially, lava va ti-Relief, tani hi loko mi swi tiva kuri, ku pfa ku tirhiwa ni vusiku, va va va ri kona vanhu lava va tirhaka sweswo. Hi byela Relief-Commander kuri, identifyer vanhu lava va faneleke ku va va kota ku tirha mintirho yo yelana ni sweswo. A ko ya wun’wani ni wun’wani, ku fana ni va ka mhani ku fana nisweswo. Na vanhu lava vo ka va nga yangi eka Madlala”. [“...We hold meetings every day when we report for duty...In these meetings, we plan for the day ahead... We make sure that there are few initiation schools in this area...We have a maximum of three initiation schools in this area, therefore, we make sure that there are enough police officers to deal with initiation schools...We make sure that in all the Reliefs, there are people who deal with initiation schools...The Relief Commander knows that only those who have gone to the initiation school and not female officers can be able to attend incidents reported at the initiation school”]. As part of the research, non-participative observations were conducted in both the traditional initiation schools and the surrounding villages. When asked about complaints by some community members who indicated that they are not allowed to do certain things during the initiation period, one participant from the community said: “...Swilo swa muxaka lowu swa humelela. Especially nkarhi wun’wani u kuma leaswku tihuwa na swin’wana swa humelele. Ani ri minkarhi yin’wana loko ku ba Madlala, vanhu va tiko rero, kumbe ndhawu yoleyo, va tshama ndhawu yin’we, va twanana ku ri sweswiwani hi ta ba Madlala, Madlala lowu

nga ta “lasta” three weeks or two week hindlela yo fana ni yoleyo. Ivi va twanana kuri, nkarhi wolowo kwala ku humelelaka sweswo, ku fanele ku hanyisiwa ku yini. Va twanana votala. Kambe challenge leyi hi nga tshama hi va na yona, leyi ndzi yi tsundzukaku kahle iku va nkanrhi wun’wani tikereke na tona ta nghena, ti ba ti-organ. Eh, ndzi tsundzuka kun’wani va ze va fika kun’wani va phija-phijana na lava va tikereke. Marha, at least na yona yitlhele yi “re-solviwa” because va tlhele loko va endla leswiya, hinkwaswo swi va swi sukela eka hosi na valava va tirhaka swona, va tirhisana swilo swi tlhela swi vuyela ematshan’wini. Marha nkarhi walowuya, hi ku ya hileswi va twananaku swona, hi nge vuli kuri swi tsariwe ehansi, kambe hi wo nkarhi lowu va twanananeke hi wona, va fanele ku twanana kuri va tirhisa ku yini ku kondza ntirho wu ya fika emakumu. Yah, va rhanga va twanana. Hikuva minkarhi yotala, loko hosi yi ba Madlala, yi vitana vanhu vatiko. I vi va endla that agreement”. [“...These kinds of things are possible...Sometimes you find that noise and other things take place...However, community members come together to plan before the initiation period begins and agree on the period over which this will take place, for instance two to three weeks, as an example...Furthermore, they agree on the behaviour of everyone during such a period...The challenge we have during this time is churches that play music loud using things like organs...There was a time when traditional leaders and church members had trouble...Fortunately, the matter was resolved when the chief intervened and things went back to normal...Agreements reached are not necessarily written down, but all come to an agreement with regard to behaviour of all during the initiation school period...The traditional leader calls a meeting for all community members before the start of initiation schools so that no one will claim ignorance when found to have violated the rules”].

In agreement with the abovementioned participant, another community member indicated that there are no serious violations of the law during the initiation school period in their area: “Swa humelela sweswo, kambe se hi toloverile hikuva ku hava lexi unga xi endlaku. Ha swi twa swo tekiwa ka vana va yisiwa engomeni hi nkani, ni ku tithisiwa ka swidzidziharisi, ni ku biwa ka van’wani, kambe a swi talangi. Va-aka tiko na maphorisa va tirhisana hi nkarhi wa Madlala. Swikombelo swo yimisa Madlala va swiendla naswona mapapila yo yimisa Madlala va na wona. Ahi na milandzu ya ku yimisa Madlala swi nga ri enawini etindhawini ta hina”. “...Yah! In the area of Malamulele during the initiation schools, Eh! It’s not so much that you can receive such

kind of experiences. Especially those abductions, Kidnapping...but in the issue of drugs, yes sometimes we receive the complaints or the information of saying, some people there are selling dagga. Even when it comes to assault. In other circumstances, we receive cases of assault, but it's not so much. Because, in our area...I think the traditional leaders, the community members and the SAPS, they become one thing when it comes to the initiation schools period. Because they apply...those initiation schools which are legal...No. In our areas never, we never received any illegal initiation schools...Because all of them...they apply it, it's approved...And even the letters, they bring it to the police station... ”

Furthermore, community members understand that there are rules that need to be adhered to during the initiation school period. One SAPS participant in his own words had this to say in this regard: *“Va wu landzelela hikuva I nawu wa ndhavuko. A swi tsariwangi etibukwini, kambe i ntwanano lowu nga kona exikarhi ka va-aka tiko ki nkarhi wa Madlala leswaku aku nge endliwi huwa kumbe xin'wana lexi nga fambisaneke ni swa ku humelerisa mintirho ya le ngomeni. Hi minkarhi leyi, tiko rin'wani ni rin'wani, va endla tinhlengeletano ngoma yi nga se yima ku twanana hi ta milawu leyi nga ta tirhisiwa.”...Ah! They use to obey that because it is Customary Law. It is not in the books, but I think that is an agreement or from the traditional leaders, and other stakeholders to say, during the period of initiation school, they don't want noise of a radio...Or other activities, that can disturb the period of initiation. In fact, I think...or to say according to the information...Whether the initiation schools are far or near...From the village...They usually say, now is a period of initiation schools...They call the Imbizo...To say to the people or the communities of that places to say, we don't need any noise of a radio. Alternatively, to play any other activities during those things, because all those activities have been suspended until the end of the initiation school. Because there are certain policies that they say, Marha...you cannot see it in the paper...”. The participant further went on to say that there are fines imposed for violating rules during the initiation school season. In addition, the SAPS participant said: *Yah! They understand. In other churches, they do not even play that music. They just sing and clap their hands...Some, because of the agreement between the churches and the community and the traditional leaders around that area and other stakeholders. They pay some money to the chief. To say, on Sundays, we ask to play**

the music in our church. They are allowed to do that...As long as they have the agreement, to consult with the traditional leaders”.

In agreement with the above participant, one COGHSTA participant indicated that traditional surgeons obey the law: “...*I ku minkarhi yotala loko va applya kwalomu va applyaku kona, Mmm. Va endla ku ri loko va applyile, swi “approviwile” swilo leswiyani, va kota ku ri va tirhisana ni lava va rihanyo...Leswaku minkarhi yotala ku ri swilo swi va kahle. Aniri minkarhi yin’wana, aniri ma vona tindhawu letiya ta le nhoveni, hina hi nga ya eswi kolweni leswiya, tindhawu leti, ti tala ku va ti nga ri kahle ngopfu Yah, se, loko va kota ku tirhisana ni vanhu lavaya, I am sure ku ri swin’wanyani swi nga antswa ku tlula laha*”. [*“...They make sure that they apply before the start of the initiation school, their applications are approved and they work with the Department of Health...so that things go well...Those of us who have gone to the initiation schools know that in most cases there are environmental challenges in those places...I am certain that things will improve going forward”*].

From the above, it is evident that there is control over what is taking place during the initiation schools visited by the researcher. It is no wonder that there are no reports of crime in these areas, in comparison to what is reported in the media in other provinces in South Africa. A contributing factor is that the best practices in Limpopo can be used in other provinces in order to save lives, and respect the dignity of children, as provided in the Constitution. In addition, the traditional initiation schools and culture can be preserved.

In response to the question “What is your view with regard to incidents during traditional initiation schools?” one COGHSTA participant indicated that all went well during the initiation school period. According to this participant, “...*Mmm...Tingoma ta hina ti fambe kahle...Se, nawu lowu va nga nyikiwa wona I nawu lowu humaku ka mfumu...Eh! Swo fana na n’anga la taka a ta yimisa ngoma la, I va a pimeriwile ku...I fanele a kuma ti percent ti ngani... loko a yimbisile n’wana...Tribal yi fanele yi kuma mali muni, ku nga hosi...Se, hosi yona yi ta vona ku ri...eh! Xitafu lexi yi tirhaku na xona...i xi ngani...Xitafu lexi tirhaku le ngomeni...Ivi yi xi hakela ni vamatsalani va vona. Swi fana na loko ku ri overtime...Eh! A hi swilo leswi va nga tholeriwa swona va matsalani lavaya...Eh! Va fanele na vona va nika switsanani kwalahaya. Mmm...Ni hlamule swona? Ka ha ri hava... Swa “rhisitiwa” and ti-rhisiti leti, na tibuku letiya ni nga*

mi byela tona...A vo xava. Mfumo wo ti tisa, leswi hi tivaku ku swilo leswi swi kona...Ku na Health na le ya hina [COGHSTA]...Mmm...na mati va va yisela. Mmm... [“...All went well during the initiation school period...The government has issued a law...Traditional surgeons who come here to start traditional initiation schools are aware of what is expected from them...In addition, these traditional surgeons know how much they need to charge per initiate...Furthermore, it is clear how much is supposed to be paid to the local chief. The chief also has a responsibility to pay the staff members he is working with on this project, things such as overtime payments...Even though the chief’s staff are not employed to work in the initiation schools, the chief pays them something as a way of thanking them...I hope I answered correctly...There is nothing more to say, but what I have to say is that receipts are kept with regard to all financial transactions...You will remember the books I mentioned in our earlier discussions, which are provided by the government...Finally, I can say that water is provided in the bush where the initiation schools are...”].

Participants’ opinions regarding the relevance of traditional initiation schools are presented in the following section.

6.2.8 Relevance of traditional initiation schools

Research shows that there are different views regarding the relevance of traditional initiation schools in a democratic South Africa. Makhanya (2015:2) argues that there is a need for a shift of mindset [paradigm shift]. Makhanya further argues that this change of mindset should include training in human rights. Some commentators argue that mutilators are running amok in the country (Makhanya, 2015:2), in reference to those who operate illegal traditional initiation schools. Traditional leaders believe medical doctors who have embraced their culture by going to the mountain raised their hopes that boys will go to the initiation schools in their numbers in future (Maponya, 2016:8). This is after three medical doctors graduated from an initiation school in one of the villages in Limpopo on 16 July 2016. The doctors were among 610 initiates who had undergone the traditional passage to manhood in Limpopo in 2016. The Limpopo House of Traditional Leaders’ chairperson, Kgoshi Malesela Dikgale, said they hope that “*more people will take a leaf out of what the practitioners of Western medicine had done and follow in their footsteps. We are encouraged by the fact that prominent*

people, including doctors, are visiting our schools. This motivates us to do more in ensuring the safety of initiates.”

One of the doctors who graduated from one of the initiation schools said, *“As an African man I felt there was something missing in me. I plan to encourage fellow doctors who have not been initiated to take a bold step like I did.”* Another initiation school graduate said, *“I think one of the things I will take from this experience is patience and taking well-thought-out decisions.”*

In response to the question “What are your views on the relevance of traditional initiation schools in a democratic South Africa?” one COGHSTA participant had this to say: *“Xivutiso lexi xa tika, kambe, hi kuvona ka mina, swi fanerile, hikuva, tani hi vanhu vantima, leswi hi swin’wani swa mindhavuko ya hina. “...Oh! That is a difficult question to answer, but according to my opinion, yes it is still relevant. Eh! Because, I can say, you know, we as black people, there are some certain things that we inherit from our forefathers (Laugh). In his own words, the participant went on to say: “That thing is not easy to remove it by night. So, most of...Yes, it is a process some times to be saying, it can be removed. Eh! Because even at the present moment, even my own son went to the initiation school to the doctor. But when the initiation school to the traditional...I mean, had the period to be...he ran to that place. Eh! Yes. I think so, he was under pressure because of his friends and the community. Some, they say, when they meet you to say, hey you, what can you say because you are not a man. Because you never go to the mountain. Yes. It is peer pressure. So, that is why...”*

In addition, one SAPS participant said: *“...Hi ku ya hi mina, eh, vanhu lava va pfumelelaku swilo leswi, ava fanele va rhanga va...before va swi herisa hinkwaswo, a va fanele va rhanga va langutisisa tindhawu, laha swi humelelaku kona. Van’wanyani va swi endla kahle swi tlhela swi va kahle swi tlhela swi tsakisa. And ku n’wanyani na hina tani hi vatswari na vona vana lavaya, ha swi tsakela ku va swi karhi swi humelela. Ni nga nika example, n’wana wa mina u yile eka Dokodela. Loko a vuya le ka Dokodela, utlhele a ya kwale”. [“... In my opinion, various things should be considered before a decision to discontinue this culture is affected...They should also consider geographical areas where this thing takes place...There are some people who do things in a very professional way and these should be encouraged...For instance, a*

medical doctor medically circumcised my son. Thereafter, he went to the traditional initiation school”].

This participant went on to say that children are under some pressure, particularly peers at school who often mock those who have not been traditionally circumcised: *“...I peer pressure ya vanghana. Eh. Va ku, phela loku u lo ya le ka Dokodela, swi fana ni ku a wu yimbanga, hikuva a wu dyanga vuswa. Se, u fanele u ya le. And u ya le, ku ya thya vito. Sweswo fana na sweswo. Minkarhi yo tala swi va swi ri kona. Se, kahle kahle, leswi nga xiswona swi va swi nga ha ri na nkoka. Swi va swi nga ha ri na nkoka hikwalaho ka ma fu andeni. Nkarhi lowa khale a ku hetiswa nkarhi wo leha, eh!. A swi nga talangi. Na wo ma fu wolawo, hambu leswi a va ku, ka fiwa, marha a swi nga talangi, ku ri un’wanyani u ku, kumeke hi nga swi tiva ku ri ku fiwini, hikuva hina hi tshamile nkarhi woleha, hi nga swi tiva ku ri, mpela mpela swa humelela ku ri munhu wa fa, i vi a celeriwa kwale. [“...It is pressure from friends...They will say, to be medically circumcised will not make you a man, if you want to be a man you must go to the traditional initiation school to get a new name also. According to me, this is not important; when one considers the deaths associated with traditional circumcision...You would not hear about death in the initiation school in the past. It was rare to hear that a person died and was buried there in the past”.]*

In response to the same question, one community participant said: *“...Eh, lexi ni xi vonaku minkarhi yo tala, vanhu van’wani va ba Madlala or ti-initiation school teto, ku va va lava ku kuma mali. A va langutisi vutomi bya vanhu. A va langutisi ni ndhawu leyi swilo leswi swi humelelaku eka yona. Ni tshundka kahle kuri, loko kuri hi leswi ni swi tivisaku swona, minkarhi yo tala ti-initiation school ti tala kuva kona ki “Winter”. I nkarhi lowu vanhu va kotaka ku endla sweswo. Xa vumbirhi, vanhu lava va faneleke ku tirha ntirho lowuyani, wa ti-initiation school, I vanhu lava nga na “experience”. Va va va kota ku endla swilo hindlela leyi ya kahle. Not un’wana ni un’wana loko a twa ndlala a ku na swi tiva ku endla initiation. Hi swona leswi minkarhi yo tala swi hi hluphaku. Loko mi nanguta kahle, kwale ku fiwaku, loko ho languta kahle, vanhu va kona, u ta swi vona ku ri, rixaka nyana ra kona i ri n’wanyani, u nga fika laha u nga thembheki ku ri, ri yile eka Madlala. Eh, i swin’wani leswi ni swi vonaka sweswo. Se, lexi ni xi vonaka, i ku, ku hlongorisiwa mhaka ya mali, ematshan’weni ya ku ku hlongorisiwa ndhavuko lowu hi tivaku wona, ni ku va ku sirheleriwa vutomi bya vanhu”. [“...In my opinion, most people take chances and open traditional initiation schools*

because they want to make easy money...They do not take care about human lives...They do not even consider the environmental situation...According to my understanding, initiation schools are supposed to take place only in Winter...Secondly, traditional surgeons are supposed to be experienced people...and are good at their work...Not everybody can, because of economic reasons, wake up one day and claim to be a traditional surgeon...These are reasons behind the challenges we hear about in the media everyday...When you look at these people who claim to be traditional surgeons, you even doubt if they actually went to the initiation school themselves...In my opinion, these people are doing this because of money, instead of doing cultural things and protecting human lives”].

About injuries or deaths in the initiation schools in the area, the participant from Community Safety and Liaison said: “...Eh! Eh! A swi vangi kona. Uh! Ni swi twile, na vana va faku...Mmm... La ka hina ku hava hi ku...loko munhu a fanele a tirha swilo leswiya...U fanele ku va ti-course...leti va dyondzisiwaku...leti va yaku ka tona...Va Mayini. Ku dyondzisiwa Mayini...U famba na hosi...I Health. Mmm...Ko va ku...kumbe la hi kona ni nga ta ka ni nga swi twisisi...Hi ku lo wa ka Health, hi yena a nga ta tiyisisa ku ri hi mpela munhu loyi a nga na vuvabyi...Oh! Vana la va taku laha? Doctor....Lo...lo...ve ri i...Mayini. Eh! I fanele a va na papilla leri humaka ka Doctor, le ri kombaka ku, i kahle, a nga vabyi...Ku kota ku ya khoma-khoma vana lavaya...Eh! Se, loke Doctor a “approve” swilo leswiya, ku, munhu a nga vabyi...Hi ko a “approviwelaku” swilo swa yena, ku: impela I kahle, a nga tirha ntiro lowuya. Mmm...Eh! Sweswo swa vuriwa...Ko va ku I “ignorance” ya vanhu. Swa vuriwa ku, a va yi va ya rhanga hi ku chekiwa, hi ko va nga ta ya le...” [“...I have not heard such things in this area; however, I am aware that such things do happen in other areas...My understanding is that those who start initiation schools [Mayini] should attend courses, and the local chief must accompany the traditional surgeon...The Health department should be instrumental in organising such a course...The traditional surgeon must be granted a letter to confirm that he is fit and proper to conduct circumcisions...In addition, children must also be examined to check if they are healthy before being admitted to the initiation schools...”]. The participant further indicated that there must be clear guidelines with regard to the age group of initiates attending initiation schools: “...Eh! A ku yi na leswi swi tsinini. Se, ko va ku, munhu, ku fika la swi nga hetisisiki swilo ka munhu...Ma pimiwa malembe ya kona...Ya ku i fanele a ya rini. Ma pimiwa

malembe ya kona ku ri, na tihosi...ku fanele ku yimisiwa ngoma endhaku ka five years...Mmm...A va tshami va karhi va yimisa ngoma. Va balekela vona a ngomeni...Mmm...va balekela...Na vona vatswari hi voxe va va yisa, ta ni hi leswi vona va tivisaku xiswona...Ku hetisa nawu wa kwale ngomeni...Mmm...va kona lava balekelaku, marha a ku vi na problem. Mutswari hi yexe i va a karhi a swi twisisa ku n'wana u lo ya lahaya, hi ku va yena a nga n'wi ndlelangi swona". [...Very young children must not be allowed to go to the initiation schools...There are age restrictions, and traditional leaders know how often the traditional initiation school must take place...it does not take place every year...The problem is that children escape and run to these initiation schools...In addition, parents have a choice between taking their children to the medical doctor or to the traditional initiation school..."].

When asked whether traditional initiation schools are still relevant in a democratic dispensation, one traditional leader had this to say: “...Mina hi ku vona ka mina tatami Mabunda, hi ku tsakela ka mina, a ni vona ku tihosi a ti hlangani hi vuyisa xintu xa hina. Na loko ku yiwa engomeni ku nga ti ku ta nghenelela lave ti-TV, kumbe ku nghenelela munhu loyi o ka a nga yangi engomeni. Loyi a nga tiveki ni ku ngoma incini... Swilo leswiya hi tlhela hi endla leswaku swi vuyela amatshan'weni ya swona... Mina a a ni ta swi “promota” ku tlhela ni swi endla. And ni swi lava ngopfu, laha ka Siyandhani ku na ndhawu yin'wana la ku endleriwaku kona swilo swo fana ni leswiya. Na maribye ya kona ya ha ri kona. Se, loko a ko kota ku cinciwa sweswo, i vi swi vuyela amatshan'wini ya swona, ni vona ku ri hi leswi a swi ta va swi ri kahle. Tihosi ku hlanganiwa, ku vuyisiwa xintu, ematskan'wini ya xilungu. Eh!”. [...My opinion Mr Mabunda is that traditional leadership should come together and discuss the way in which our culture can be preserved...When there is a traditional initiation school, TV people must not be allowed access to those areas...or any person who has not been traditionally circumcised...People who do not have an idea of what a traditional initiation school is...We must make sure that the tradition is maintained...I can support the continuation of this tradition...In addition, I would like to see this continue...Here, in this village [Siyandhani], the place where this traditional initiation used to take place is still there...Even the stones are still there...My opinion is that if things can be the way they used to be in the past, it would be a right thing to do...Let traditional leadership come together to restore tradition and culture, instead of western traditions..."]. When asked about extortion allegations that arise when children end up

in the initiation school without the permission or knowledge of their parents, one SAPS participant said: *“...A swi se tshama swi humelela... Va endla ti-plani... Va endla ti-plani ku Mayini a ze a kuma mali ya yena...Loko ti yimisiwile ti nga ri nawini, hi leswaku swilo leswi...a hi ngo...ku la ku yima ngoma hi June. A swi sunguli hi May i ku i lava ku yimisa ngoma... Swi fanele swi sungula kwalomu ka va February, ku, mina hi June ni ta endla yini. Mmm...I applier...Mmm...a ka Hosi...Se loko u applyini, u “atacher” na application ya loyi a nga ta nikisanana...Loko ku ri ku wena u yimisa ngoma...U nga applyangi, swi boha ku ri...ngoma liya ya herisiwa, yi pfariwa vana va yisiwa a xibhedlele. Mmm...Mina no tsundzuka sweswo wo herisiwa kunene...Eh! Yena a a fanele a kuma ti-fine...Eh! Wona wo herisiwa kunene, vana va yisiwa swibhedlele. Swi vula ku yena a nga kumangi nchumu, na Mayini wa yena a nga kumangi nchumu. A va “befefitangi” nchumu leswi a va fanele va “benefita” swona...”* [“...It has not been reported in this area...If it happens, parents make plans to raise money and pay the traditional surgeon...About the illegal initiation schools, plans are finalised in advance...Any illegal initiation school is closed immediately if discovered...Traditional surgeons apply and only start initiation schools after the permission is granted...When illegal initiation schools are closed, children are taken to hospital and those illegal operators do not benefit anything...”].

Furthermore, the participant highlighted the rules applicable to all community members during the initiation school period: *“...Eh! Aku chayiwi radio...A ku sindiwi, laha...loko wu yime kwala kusuhi...Mmm...A ku sindiwi, a ku hadiwi makenya...Eh! A ni switivi ku...swilo leswiya...ku va ku ri busy. Na wena nkarhi wo endla sweswo u ta wu kuma kwihi? Swin’wana...u yise na n’wana kwale...Se, I ta wu kuma kwihi nkarhi wo endla sweswo. Ku yisiwa swakudya na mpundu, na nhlikani, ku yisiwa swakudya ni madyambu. Se, nkarhi wo endla sweswo u ta wu kuma kwini? Hambi walowu wa radio... Na radio a yi chayi, marha u nga yi chayisa loko u ri ndeni ka yindlu...Eh! Yi nga ri henhla ngopfu...Yi nga rhasi. Ku fana na ti-party, a ta ha endliwi...Mmm...Handle ka minkosi. Minkosi yi ta ya a mahlweni...Va boheka...Mmm...Va pfumela swswo. Eh! Va va hlonipha...”* [“...No playing of radio, using cow dung for cleaning purposes and no cutting of thatching grass...People have no problem with these restrictions because they are so busy in that they do not need to do these things...Family members have to take food to the initiation schools three times a day, therefore, they are always busy...Those who play a radio must not make noise...No parties are allowed...The

only exception is death-related activities. Yes, the community members respect these rules...”].

According to one traditional leader, the province has experienced an increase in initiation enrolments over the past few years. He says that more families want to “*tap into their culture*” and “*I think people are trying to find affirmation and a sense of belonging*”. Furthermore, the participant indicated that: “...*Kambe, lexi xi nga kona, swilo a swi cinci ma-endlele. Loko ku ri ku swi ya emahlweni, a va nanguti tindhawu leti nga ri ki kahle, eh, leti nga ni “ti-bad record.” Ma swi vona ti province teti a mi ti vula, to fana na va Eastern Cape, na kun’wana ni kun’wana kwalomuya. Maswi vona ku ri tindhawu teto, a swi talangi ku ri, Madlala wu va kona, wu tlhela wu hunda ku nga fangi munhu. Se, tindhawu to fana ni teto, va fanele va swi vona ku ri, ndhawu yoleyo, hi ku ya hi “ti-record” ta yona, ava vhele va “stopper.” Marha lomu va swi kotaku ku swi endla kahle, ku va ni ntshamiseko, mina ni vona ku ri a va kote ku swi endla swi ya emahlweni*” [*...I suggest that there must be a change in mindset...They must identify places with bad records, for instance, the places you mentioned earlier, like the Eastern Cape province. Those places are notorious for injuries and the deaths of initiates. They must look at the record of the area and, based on that, decide whether to allow them to continue or not. In places where there is order, these should be allowed to take place*”].

While it is each boy’s choice to go through the initiation, peer pressure plays a role. In Tsonga/Shangaan communities, those who have not been initiated are called *Maxuvuri* (boys). One young boy in Mtititi village from Malamulele said: “*In my community a lot of boys went through initiation...That is why I had to do it because I wanted to be the same as them. I wanted to be a man.*” From the above, it is evident that there are different viewpoints regarding the relevance of traditional initiation schools.

Participant responses to matters of recruitment, selection and training are presented in the following section.

6.2.9 Recruitment, selection and training

It was established that the training of the police, traditional leaders and community members with regard to traditional initiation schools should be a continuous process,

in order to ensure the safety of initiates. However, SAPS participants believe that all members are trained to deal with all policing matters, including policing traditional initiation schools. They argue that only police officers who have gone to a traditional initiation school are allowed to handle cases related to traditional initiation schools.

In response to the question “What are your views regarding the selection, recruitment and training of police officers?” one traditional leader indicated that a different approach should be adopted in the recruitment, selection and appointment of police officers: “...Se, a va fanele va cinca...munhu loko ni lava ku joyina vuphorisa ni ri la ka Siyandhani. Va ta ni le vukosini va ta va ta vutisa ku, n’wana luya i n’wana wa njhani. And muti lowuya i muti wa njhani. Eh! Ivi na hosi yi tsala papila ku “recommenda” ku ri a va a ri phorisa. Eh! Ene ku vutisiwa na va-aka tiko ku, n’wana hi loyi. U lava ku ya a vuphoriseni. Mi n’wi tiva njhani n’wina? Vanhu phela swifana na hosi, a nga yi tivi miti leyi nga la...Swigevenga swi tiva hi va-aka tiko. Hi ku hosi i tshama a tiyela kwihi, a tiyela kwihi... Hi leaswi maphorisa va...loko ku fanele ku thoriwa maphorisa, va fanele va endla swona”. [“...It is supposed be compulsory for police management to first come to the village and make inquiries about the character of a person before even considering taking him/her in...They must also find out what kind of family a person comes from...The chief must write a recommendation letter agreeing that the person is fit and proper to become a police officer...Furthermore, they must ask community members about the character of the person. The community knows every member in the village better than the chief...The community knows all criminals in their areas better than the chiefs because the chief has many responsibilities...This is the process which must be followed before a person is recruited to become a police officer”].

Participants were further asked “What can be done going forward, in order to restore dignity and respect for the police?” Training was one of the aspects mentioned by participants, and one participant had this to say: “...Tatani Mabunda. Lavaya va kume ntirho va khome half-loaf, va kuma ntirho. Kumbe a nga khomangi nchumu, a lava ntirho. Sweswi ko ngehenisaniwa avuphoriseni. Lexi a va fanele va xi endla... va ze va...ni twe nkanrhi wun’wani va ku...example kwala ka Siyandhani...Loko munhu a lava ku endla vuphorisa. Va fanele va ta na laha vuhosini va ta vutisa ku ri, n’wana loyi i n’wana wa njhani. Va fanele va endla research ya ku n’wi secha ku n’wana loyi i n’wana wa njhani. Hi ku, van’wanyani va joyina vuphorisa ku ri ku i swigevenga. And loko a

vuya le, sweswi swi humelelelaku mi twa va ku: captain i yivile, hi vona va tshovaku mavhengele. I ncini sweswiya? Hi ku captain i munhu wa rank ya le henhla, i munhu wa rank ya le henhla ngopfu. Marha sweswi ku na wun'wanyani a hi nga vuli hi vito, i khomiwile. Hi ku famba va yiva timpahla ama vhengeleni. Swa nhweti yaleyi nga hela..." ["...Mr Mabunda, this people were desperate for any job when they were recruited...Some of them do not have the passion for police work and that is why we have all kinds of problems with these new police officers...If you know someone in the police, it is easy to become a police officer as well...What they should do is that, before recruitment, they must go to the village and the chief's place to make inquiries about the character of the person who wants to join the police...They must conduct research about the person...Some join the police while being criminals...We are disturbed to hear that even Captains are involved in criminal activities...A Captain is a high ranking officer who is supposed to be respected in society...We have just heard that a policeman was arrested last month for house breaking and theft..."].

The theme to be discussed next is meetings and communication.

6.2.10 Meetings and communication

Communication plays a significant role in any form of partnership. A lack of communication can have a negative impact on partnership policing. Partnership policing may only be effectively implemented when role players respect each other based on mutual trust.

In response to the question "Do you participate in any form of meeting with other role players in partnership policing?" and when asked about their participation in policing activities in the areas, one SAPS participant had this to say: *"...Mi ta tsunduka kahle leswaku, meeting leyi ya cincana. Sweswi, ani ku matsunduka kuri hi na ti police station leti hi tirhaka na tona, lexi xi humelelaku i ku ri, loko hi ri eka Malamulele, vaka Malamulele va organiza ndhawu leyi hi fanelaka ku ri hi ya hlangana kona. Either, it is a tribal office, kumbe emaphoriseni, kumbe kun'wani na ku n'wani laha ku nga ni ndhawu laha hi nga kotaka ku hlangana kona. I vi hi hlangana tani hi ti-stakeholders hi ndlela yoleyo. I vi nhweti leyi taku, kumbe hi le Hlanagnani, hi yo ndlela yoleyo, hi ri karhi hi jika-jika hindlela yoleyo, ku ri hi kota ku hungutela van'wani mpfhuka wa ku fambi..." ["...There are various meetings, which are held on different dates...Here in*

Malamulele we have a number of police stations...What happens is that people organise a venue that suits all participants in a particular area...This will either take place at the Tribal Office or police station...All stakeholders are invited to attend in such a venue...The next meeting is then arranged at a different venue, for instance, in Hlanganani, so as to make sure that we alternate these venues, and to assist other participants by shortening travelling distances to the venue...”].

One COGHSTA participant differed with what was said by the previous participant: *“Ti meeting ti khomiwa hi tisono. Va hi rhamba ku ya kanela hi ta mafambiselo ya swilo leswi yelanaku ni nawu ni kurhula etikweni. Leswi swi tiyisa vuxaka exikarhi ka va-aka tiko ni maphorisa. Ndzi nga nyika xikombiso hi CPF, vantshwa lava lwisanaka ni vugevenga, na va vuhlayiseki ematiko-xikaya, ni swiyenge leswi nga riki swa mfumo, ha tirhisana ku kuma tindlela to lwisana ni vugevenga”*. “...Yah! On Sundays, most traditional leaders they hold their Imbizos on Sundays...Therefore, they invite us as police to go to their Imbizos...In order to coordinate with the community members and to highlight or sensitise them about the crime, that is happening in their respective places...And it’s not in the Imbizos only. Even to the structures that the SAPS are heading...This is the partnership or the relationship with the community. I can mention about the CPF, Youth against Crime, Rural Safety...In all those structures, we usually meet the communities and the traditional leaders or other stakeholders...Even the NGOs that we are working hand-in-gloves with them...So that we can check and see how we can assist each other in order to assist our community members and to reduce the crime...that is a problematics...in our areas. Eh! That is what I can say presently”.

In response to the same question, one traditional leader said that they are no longer invited in meetings: *“...Tatani Mabunda, wo fana na mina yaloyi ni vulavulaku, a a va hamba va ni rhamba, ka ha ri le barracks le...I ku ri, vanhu lava va vulavulaku ntiyiso tatani Mabunda, a va laveki a misaveni...Hi ku, i ta bhoxa leswi swi va khumbhaku vanhu lava...A va hamba va ni rhamba mina, I am sure for three years. A hi nghena eka tinhlengeletano ta vona, marha sweswi, na mi byela ku a va se tshama va ni...mina a va se tshama va ni rhamba. Va rhamba lava va tivaku ku loko va fika kwale va ta ku, “xidyankuma”...Va nga vulavuli nchumu...”* [“...They [police] used to invite me in the past when we used to gather in the old barracks...To tell you, Mr Mabunda, honest people are not wanted on this earth...because you will expose them...They used to invite me in these meetings...I am sure for three years...We used to attend

their meetings, but they no longer invite me in their meetings...They only invite those who will always agree with them or “yes men” known in Xitsonga as “Xidyankuma”.

As a result, those who will question things are never invited: “...Se, munhu loyi va n’wi vonaku ku u ta hi “disturba” swilo swa hina, a va n’wi rhambi. Hina. Mha va se tshama va ni rhamba. A va hi rhamba eku sunguleni police...kwale police station...a a hi khomela ti-“meeting” ta kona a barracks. Eh! Marha sweswi a ha ha rhambiwi...Ene ni tlhele ni va byela mina ku ta ka hina laha tinhlengeletanini, a hi ku tela ku dya la. Hi tela ku lulamisa timhaka ta tiko. Ene na tihosi, a a va swi tivi na lava va mfumo. Ko tala loko va ya tinhlengeletanini vanhu a va yeli ku dya, va yela ku lulamisa timhaka ta tiko”. [“...Those people who will question decisions, like me, are no longer invited...As I have indicated, they used to invite us in the barracks, but not anymore...I told them that we did not attend their meeting for food, but the aim was to discuss matters of importance for the community”]. The participant expressed his concern about the kind of crime that is taking place these days, indicating that it was once unheard of that a seventy year old person was raped: *“...Tatani Mabunda, i mani loko mi karhi mi kula a mi tshama mi twa ku, mukhegula wa seventy-something years u rhepiwile? A swi nga ri kona swilo sweswo...Sweswi ku na ntungu wo...ni nga mi byela na sweswi, ku na xihlangi a xi lahlekile, ve ri va xikumile. Na namuntlha a va karhi va hlaya ka mahungu, ve ri va xi kumile, va kuma xi dlayiwile. Hala Olifantshoek, ka ha ku kumeka, ntukulu. N’wana boti wa ka Chavalala. A dlayiwile a hoxiwe a dibini. Incini swilo sweswiya? I ku ri milawu etikweni a ya ha ri kona. And vanhu a va ha ri na vumunhu, marha mina hi ku vona ka mina hi ntumbuluko tatani Mabunda. Na leswi tihosi a ku ndliwa swona khale. A ku ri ni milawu ya ku tikisela ku, loko u endle leswi, ku ta humelela leswi. Swilo leswi swi nga hela vanhu va vuyela ka vumunhu. Yah! Na mhe ni swi vona tano.” [“...In the past, it was not heard that an old person was raped...There was no such thing...We are living in a very sick society...Today we heard, in the news, about a child who was killed and found in a cattle pond in one of the villages. There is lawlessness all around us...People have lost their humanity. Laws were strict in the past and people knew that they would be punished for wrongdoing. There is hope that things will go back to normal”].* Participants’ views on service delivery and resources follow.

6.2.11 Service delivery and resources

The police have a responsibility to offer quality service to the citizens of the Republic of South Africa, in terms of the Constitution. To be able to deliver these services, the police require resources. There are often complaints about inadequate resources, both human and other (physical). This has a negative impact on service delivery.

When asked whether the police are doing enough to service the rural areas or villages, one SAPS participant indicated that they are doing the best they can to improve the situation in villages: *“Yah! Well. Eh! To answer on that question, eh! as you said, this nowadays the government have done enough to say, the policing of partnership is there. Eh! There are certain...or...the programme that is there in the SAPS to say...Sector Policing. Sector Policing means to divide the other places, which are big to become smaller places to be manageable. Exactly...We are having three satellites in our policing areas, which is Magona which operate 24/7, Xigalo, which is operating 24/7, and Mlamula operating 24/7...So, on those places, there are Sector members who are working there day and night. So I think it will answer the question of saying, sometimes, we can have a long time before reaching the other villages, because of those villages. Even the people of those villages, they do not need to come to Malamulele to report the case. It means they go to the nearest Satellite to report there. Some of them will give them the landline of the phones, or the cell numbers of the commanders. To say, he or she can phone, where she is or where he is, to say I am having a problem, I need the police to come and assist me. Then as police we go there to assist him or her...”*

Responding to the same matter, another SAPS participant said: *“...Yah! On that question I can say, yes there are, well-equipped resources...Because there are members, there are vehicles...However, I cannot say there are a lot of those vehicles because, sometimes, on one or at one Satellite you will find sometimes there are members in one car...Some of them two members are on patrol on one vehicle...It means the other one is in the office or going to the other satellite station to assist...To say sometimes we want to certify documents, we have this problem, and they will conduct those who are on patrol...To say attend this or come to the satellite to check this...Exactly yes...We assist each other...And sometimes we are directed by the CIO [Crime Investigating Officer] to say, which are the flash points? Sometimes it does not*

need to check the...The Crime Investigating Officers...Or lava va ku “analyza”...those who analyse the crime every day to say, the problematic area is this...So, they direct the operational, and focus on that place...Therefore, the CIO directs us to say, now it is Malamulele Township who is having a problem...So, it’s the duty of the management of that station to say, even at Mlamula or Xigalo, if there is no problem on that place we can withdraw those members and the resources...To come and assist sector one at the location to reduce the crime that is troubling us on sector one at Section C”.

One COGHSTA participant indicated that they did not have resources to be able to do their work: “... Eh! Ho...Tani hi ku lani hi nga kona i Satellite...I Satellite. Se, Satellite ya hina, lexi hi nga havaku i movha...Mmm...Sweswi, a hi ta swikota ku famba hi cheka ku swilo swi fambisa ku yini...Se, swin’wanyani wo swi-receiver kunene loko va tise swiviko...Mmm...Eh! Ha “administrara”. Hinkwaswo swilo ha swi endla. Mmm...Ka “attendiwa” Ku “attender” Vhembe...Hi ku hi yona yi nga na movha. Ku na Thulamela...Eh! Na Vhuwani...” [*“...In this Satellite Office, we do not have a vehicle...We are unable to move around to check if all is in order...Another challenge is that we only receive complaints but are unable to act on them because we do not have a vehicle...We administer and do all things, but complaints are only attended by Vhembe, Thulamela and Vhuwani personnel because they have resources and vehicles ...”*].

Furthermore, the participant explained that they were affected by the violence associated with the demarcation challenges, which were reported in the media in the recent past: “...Mmm...A a byi “affectekile” hi ku, tani hi loko Machangana ma pfumerile loko va yisiwa a Thulamela. Se ho hlamala loko ku ri ku, loko se swi vuya hala ka Malamulele, ku va na problem. Se, hi swona swi nga hi “affecta” nyana, marha sweswo a swi vangi ngopfu hi ku sweswi hi swi vonile, hi “winile”. Mmm...” [*“...We were affected by this violence...We understand that, for now, we are at Thulamela, but do not necessarily understand where the problem is in Malamulele having their own Municipality...I believe a solution has now been reached in terms of demarcation...”*].

In response to the same question, one traditional leader participant had this to say: “...Tatani Mabunda swilo swi onhekile bava...Swilo swi onhekile. Ti van leti u ti vonaku i ta ti vona loko tindlhula, na sweswi ka ha kundlhula timbirhi-tinharhu. Ku ri ti ya kwihi a hi swi tivi. Ti ya kwalomu ti yaka kona...Ti van u ta ti kuma...a wu tshama u vona van

yi ya pakiwa a swipotweni kumbe a ma byaleni? Yi yima vanhu va fona va ku he...haleni ku na xigevenga, va ku a hi na tivani, kambe loko u ya a police station, swi lo paka lahaya. Se, hi laha mi vonaku ku, na patu...loko mo va fonela tatami Mabunda. Mi ku ku na xigevenga haleno. Swi nga ndleka dyambu hinkwaro va nga ti vanhu valavo...Kona loko mo ku na xibhamu...Va hetelela va dlaya, vanhu". [...Things are bad Mr Mabunda...You only see police vans driving past here...I have just seen three passing by...We do not know where they are going...We always see these vans parked in shebeens...Community members are always told that there are no vehicles, but when you go to the police stations, you find them parked...You can call the police telling them that there is a crime in progress, but they will never come the whole day...If the crime involves a firearm... people end up taking the law into their hands by killing a suspect..."].

Furthermore, when the community deals with suspects, they end up breaking the law, and this makes the community angry because they feel hopeless. In this regard, the participant had the following to say: *"...Se, va na nandzu. Eh! Kasi hi nawu. Na vona vanhu a va dyondzi ku, loko mi khoma munhu, a hi ku bhukutela...Khomani mi yisa ka valavaya. Hambi loko swi fika...mi vona ku a swi nga endli swona, marha loko timhaka to landzeleriwa, ku ta za ku fika la mhaka yi kotaku ku bhoxeka kona, ku va na tshumba kona. Hi leswi ni nga swi vulaku". [...When people take the law into their hands they become the guilty ones...I appeal to community members to just arrest the suspects and hand them to the police, and not to assault them...Even if we doubt whether justice will be done, we have no alternative...I have hope that, with the necessary procedures, justice will eventually prevail, and we will have peace and stability at the end...That is all I can say at this stage"]*.

In addition, this participant expressed concern regarding police patrols. He said that communities hardly see police officials patrolling their areas: *"...A ku na ku patroller. That is why na loko va patroller, a hi swi tivi ku...hi ku, ani a a va fanele va ta na le hosini. Va ta va ta ni hlevela. Va ku he...Nwina hosi, hi twa ku ku na leswi la. Se, hi mikarhi yo karhi. Kumbe navusiku. Loko mi vona ti-"light-light" ta mi movha, hi hina. That is why a ku sunguleni, a a ku ri na wun'wani wa khomishinara, hambu a a ta a huma kwihi...A ku: ti van a ti tshami ti karhi ti tsayitela mavoni. I tsayitela ku swigevenga swi swi vona ku la ku na maphorisa? Ku swi tsutsuma? Se, hi vhela hi swi vona ku loyi wa nghena eka timhaka ta crime. Why i fanele i komba xigevenga ku ri hi mina loyi, ni*

le ku teni? [...There are no patrols here...They were supposed to at least come to the chief to inform me if there are raids, for example, and tell us that when you see police vehicles in numbers, we are looking for suspects...There was a certain police Commissioner in the past, we do not know where he came from...This Commissioner told us that police blue lights must always be on when the police are patrolling. We could not understand that because when the criminals see such, they prepare themselves and no one can be arrested...We suspected that Commissioners are colluding with criminals..."].

The participant suspected that it was this Commissioner's strategy to warn criminals before the police arrive. The participant indicated that there is no criminal who will wait for the police to arrest him if he hears the sound of police sirens and sees the blue police lights: *"...I vula ku se, xigevenga xexo xi ta yima? Sweswi loko mo languta vugevenga lebyi humelaku. Ku na Swi-crap-yard kwala Giyani. Ku yiveteriwa tintambhu ta magezi, ku yiveteriwa yini, marha maphorisa...that is why ni ku...loko mi vule ku: xana ku na ti-"meeting" naa? Swilo leswi ha swi tiva ku va nga swi herisa njhani. Kambe hi ku a va lavi miehleketo ya van'wani. Vho va lava miehleketo yo, hina hi ye swikolweni. Miehleketo ya xikolo, na miehleketo ya practical tatani Mabunda a swi fani. A swi vuli ku loko munhu a nga ri phorisa a nga tlharihang, ku tlharihe phorisa". [...Criminals will escape...What is happening is that there are a lot of scrap yards in Giyani...There is all kinds of crime, such as cable theft and others, and that is why I said they do not call us to their meetings anymore...We have solutions to these problems, but we are not given an opportunity to go to their meetings; instead, they want us to go to their workshops...There is a difference between education and practical application of knowledge...In addition, a police officer is not necessarily more knowledgeable than other people"].*

When the question "What are your views on the role of traditional leadership in partnership policing?" was asked during the interviews, it emerged that service delivery is one of the challenges that rural communities grapple with on a daily basis. However, the police insist that they are doing everything in their power to improve service delivery.

6.2.12 Transition from boyhood to manhood

Traditional initiation schools are still regarded as the rite of passage to manhood by most African people, particularly in the rural areas of South Africa. The researcher sought to ascertain why the practice of traditional initiation ensures transition from boyhood to manhood.

When asked what initiates learn in the traditional initiation school, one SAPS participant responded as follows: *“Andzi na vuxoko-xoko hi mhaka yo fana ni yaleyo. Kambe, hi ku vona ka mina, va va dyondzisa ku va ni xivindzi. Nakambe va va dyondzisa ku tiyisela. Hi swona swi endlaku leswaku u va wanuna wa xiviri. Nakambe u dyondza ku va ni ku tikhoma ni ku hlonipha. Leswi hi swin’wana leswi va swi dyondzaku eka Madlala leswi endlaku ku va-aka tiko va ku xixima loko u yile engomeni”*. “...Ay! That one I am not sure about it. However...Symbolic, Yes...Mmm...Yes I understand...I think, according to my opinion, it means, one: they teach us to be brave. Moreover, to have that...ve ri I yini? [What they call] Ku tiyisela...Even, ku tiyisela...Yah! Perseverance, endurance...To say, that is why they say you are a man. You must have that perseverance...To have tolerance, acceptance, discipline, respect, you see...to listen to someone when he is talking...Therefore, those are the issues that sometimes they mention, or they teach to the boys when they go to the initiation schools for boys...So, those aspects that I have mentioned, sometimes...some of them, when we come back from there, you have the dignity and the respect...Eh!” It is reported that, while camping in the bush, initiates learn about the responsibilities of being an adult, respecting their elders and family, and safe sex.

Furthermore, one SAPS participant indicated that there are designated persons who are allowed to mete out punishment, instead of everyone being granted permission to do so: *“...Kasi ti-initiation boys, lava yaku kona nkarhi wo walowo, there are certain boy, kumbe a person, loyi a tivekaka ku ri he is the first person who arrive at that initiation school...The son of the chief...Yes exactly. Se, yena hi yena va n’wi khomisaku...loku ku ri ku xikhombani, hi yena a fanelaku ku n’wi “panicha” hi those timbuti...Not everyone. Eh! It’s not allowed”*. [“...The first person to be initiated or circumcised first is normally the one who has the right to punish those who violate the rules...It is normally the initiate from the royal house”]. In response to the same

question, one COGHSTA participant indicated that initiates do not necessarily understand what is taught, but they have to memorise it. The participant said: *“Va va dyondzisa ku vuyelerisa xilo va kondza va xitiva. Na mina andzi endla tano, kambe ndzi nga twisisa leswaku swi vula yini, hikuva marito man’wani u nge mativi leswaku ya vula yini”*. “...Yes I know. Ah! They are cramming it...Even myself, I just crammed...Because some of the words, I did not know...To say or to understand what the meaning is...I’m just reciting to cram...”

One community member had the following to say concerning the disciplinary code: *“Timbuti”* “...Eh! O right! Eh! Timbuti¹² I...eh! They took some certain small sticks, that they prepare...They say, it is the process of saying...Eh! If you are saying...you made a mistake. They usually take it to punish you...To reprimand you to say do not do this. Eh! Va teka va ti veka la a titihweni. Va ta mi byela so...They took it and put it between the fingers. In addition, they press it...The head of the people who are at the initiation school for boys. I can say...va ri ku na hosi ya Vadzabi...A ni swi tivi ku ni nga swi vurisa ku yini...Mmm...An instructor or the leader there who sometimes get the instructions from the “Mayini”...Eh! a Traditional Surgeon. A talaku ku n’wi lerisa ku ri ni lava ku u ya byela vanhu...I need you to go and tell them this...So, he is the one who can sometimes come and punish you as Vadzabi lava mi taku mi ta rinda vana lava nga lahaya...Yes, the caretakers”.

In response to the question “What are the factors that hinder effective partnership policing in the rural areas in Limpopo that are led by traditional leadership?” one SAPS participant, had stated that *“There are a lot of factors, but we try to fix these problems as they arise”*.

During non-participative observations in the traditional initiation schools, the researcher noticed that, daily, the “instructor” took initiates through some form of “lessons or “classes”. It was also established that most of these boys were taught in a foreign language, which they hardly understand. They simply have to memorise and recite these so-called ‘laws’ whenever they are expected to prove that they went to the

¹² Sticks used between fingers to enforce discipline after violation of some codes.

traditional initiation school. Errors often result in some form of punishment or sanction, using sticks commonly known as “timbuti” in Xitsonga. These sticks are placed between fingers and pressed hard enough to inflict pain; the initiate is supposed to endure the pain in order to prove that he is a man, and no longer a boy. Moreover, it was established that some life skills are taught which, in a way, prepares the initiates for real life situations. For instance, initiates learn leadership, respect for their elders, as well as taking care of one’s family. It is also important that initiates expected not to harbour any grudges after the traditional initiation school. Initiates are prepared in such a way that their behaviour changes. As a sign that change has taken place, initiates are supposed to choose a new name as a mark of transition.

During the interviews, the researcher inquired about the education provided to initiates, which is intended to transform boys into men. Whatever is taught in these schools is through word of mouth and there is no syllabus. Further, one has to question whether these initiates understand the language, because they are normally taught in a foreign tongue, which is a mixture of Northern Sotho and Venda.

The next theme to be presented explores the challenges encountered during the traditional circumcision process.

6.2.13 Challenges during traditional circumcision

Various challenges were noticed during the non-participative observations in traditional initiation schools. One of the main challenges in some of the initiation schools is that circumcisions are sometimes undertaken in non-clinical settings. This has the potential to cause significant risk to initiates. In some instances, unsterilized, unwashed blades are used on all initiates in a single session; this may expose initiates to diseases. Initiates are often dehydrated because they are not allowed to drink water in the belief that this will speed up the healing process. In all initiation schools visited during the observation period, it was found that initiates had to relieve themselves in the bushes, as there were no toilets in the initiation schools. During non-participative observation, one participant said: *“Hi endle xikombelo xa swihambukelo eku sunguleni ka madlala. Muyimeri wa ndawulo ya rihanyo u tshembisile ku tisa swihambukelo, kambe av swi tisangi. Hi bohekile ku tirhisa xikoci-kari xa timbhongolo ku tisa mati”*. “...We requested disposable toilets before the start of the school. One representative from the

Department of Health promised to deliver this toilet, but they were never delivered. We even have to organize donkey carts to bring water.”

It is important to address the following questions: First, is it possible to have a safe traditional circumcision? Second, what can be done to ensure a safe rite of passage into manhood without contravening the rule of law? Third, are traditional leaders prepared to allow health professionals to interfere with traditional circumcision? Fourth, what can be done to create a balance between traditional customs and human rights? Answers to any of these questions will go a long way to ensure the safety of initiates (human rights) and traditional customs. This research found that, while doctors can carry out circumcisions traditionally or medically, some parents still prefer to take their children to initiation schools. Moreover, there is a strong belief that a person who has not gone to the initiation school cannot be regarded as a man, but remains a boy in the eyes of his community members. This puts pressure on parents to take their children to these schools so that they can be accepted in society, and not be isolated and mocked by their peers.

From the reactions outlined above, it is evident that the environment has an impact on the health challenges experienced by initiates. Organisers of traditional initiation schools, in cooperation with the Department of Health, will ensure that traditional circumcision takes place in a healthy environment. This will ensure that the safety of initiates is guaranteed. It also appears that cooperation between various stakeholders has a positive impact on crime reduction, and should therefore be encouraged. This cooperation will ensure that each traditional initiation school is conducted in a safe environment, thereby saving lives and ensuring the protection of human rights.

6.3 SUMMARY

This chapter presented and discussed the findings, and measured the emergent themes as well as their subcategories. In each discussion of theme, the respondents' own words were used to emphasize and support the significance of these identified themes. The themes included the following: the understanding of partnership policing by role players; the role of traditional leaders in partnership policing; the effectiveness of partnership policing; the relationship between the police and other role players; recognition of traditional leadership by government; the challenges associated with traditional initiation school season; policing initiation schools and villages; the

relevance of traditional initiation schools; recruitment, selection and training; meetings and communication; service delivery and resources; transition from boyhood to manhood and other challenges encountered during the traditional circumcision process. All of these matters have an impact on partnership policing and crime prevention. The study succeeded in finding answers related to these matters.

It emerged that, without co-operation between traditional leaders and the police, crime cannot effectively and efficiently be combated. Partnership policing entails that there should be collaboration between role players in order to identify and solve community problems. This will result in the eradication of crime at the local level. Partners who have negative relationships with each other will be sceptical about the implementation of partnership policing; this will in turn result in an increase in crime. Furthermore, partners who do not know their roles and functions in partnership policing will not be able to play a meaningful role in the partnership, and they will not be able to reach their common goal.

Partnerships between traditional leadership and the police were explored within the South African context. This research has ascertained a willingness on the part of traditional leaders to support the police in crime prevention. The discussion further suggested how partnership policing can be effectively implemented in areas led by traditional leaders, particularly during the traditional initiation season. It was established that it is everybody's responsibility to promote and encourage the relationship between traditional leaders and other role players in partnership policing. The reduction of crime is dependent on the participation of traditional leaders in partnership policing. Effective communication between traditional leaders and the police should always be encouraged in order to address crime at the local level. The study has revealed that it is no longer realistic to consider the provision of safety and security as the sole responsibility of the police. The next chapter of this study, Chapter 7, presents the interpretation of the findings.

CHAPTER 7: INTERPRETATION OF FINDINGS

7.1 INTRODUCTION

The purpose of this chapter is to provide an interpretation of the data that emerged from interviews in the study. The objective here is to draw together the different themes identified in the previous chapter. An overview of each theme is presented and, where necessary, supported by relevant literature sources, as well as compared to similar facts in other countries. Ultimately, the aim is to address the research problem and answer the research questions put forward in this study.

The aim of this study was to analyse the role of traditional leadership in partnership policing in the Giyani and Malamulele areas of Limpopo. Challenges that hinder partnership policing in general were extensively investigated with the aim of developing a framework to facilitate the increased role of traditional leadership in partnership policing in the rural areas of Limpopo. Furthermore, information provided by the participants in focus group interviews, individual interviews and in-context observations of the traditional initiation schools provided rich context, which eventually assisted in developing a policing framework that is relevant to the challenges related to the role of traditional leadership in partnership policing in Giyani and Malamulele. The perspectives and views garnered from participants during individual interviews, focus group interviews and observations were incorporated into a comprehensive interpretation of the findings.

7.2 EMERGENT THEMES AND CATEGORIES

According to The White Paper on Safety and Security, partnership policing requires collaboration or partnership between citizens and law-enforcement agencies, as well as other role players, to jointly identify and address crime (Department of Safety and Security, 1998). Partnership policing is aimed at ensuring the effective prevention of crime in society in a manner that is consistent with democracy, as required by the Constitution of the Republic of South Africa. The Traditional Leadership and Governance Framework Act of 2003 defines traditional leadership as “the customary institutions or structures, or customary systems or procedures of governance, recognised, utilised or practiced by traditional communities”. Traditional leadership is

an institution governing a particular tribe according to customary law, and has developed over hundreds of years in Africa (Khunou, 2009:125).

Initiation School is defined as a registered cultural institution or a place where cultural initiation into manhood/womanhood takes place; it includes the teaching of cultural practices and behaviours (Meissner & Buso, 2007:371). In this study, initiation school and circumcision school will be used interchangeably. Oppler (1996:1) defines partnership policing as a multi-agency approach whereby the police, elected officials, government and other agencies work in partnership to address crime and community safety. Partnership policing is regarded as a formal structural arrangement between the police, the community, other state institutions, businesses and traditional leadership for the promotion of good relations among all concerned, and to address crime-related issues within the community. The term “partnership” refers to the collaboration that takes place among police officers, community members, government agencies and other stakeholders in order to prevent crime (Miller & Hess, 2005:174). Based on the discussion above, it could be said that this partnership is a formal structural arrangement between the police and the community, with the intention to address the challenges related to crime in Giyani and Malamulele.

The emergent themes and subcategories are discussed below. These emergent themes and subcategories were discussed in greater detail in the presentation and discussion of findings chapter, Chapter 6. The first theme to be presented is “Exploring the understanding of partnership policing”. Like all other themes and subcategories, participants expressed different views and opinions regarding the challenges. Several focus group interviews, individual interviews and personal observations resulted in the participants’ perceptions presented in the findings chapter; these developments are interpreted in the following sections.

7.2.1 An understanding of partnership policing

The data collected from participants in focus group interviews shows that the majority of the participants are quite knowledgeable about partnership policing. The majority of the participants were able to provide a detailed description of how partnership policing is supposed to operate or function. Furthermore, the participants were able to explain their roles in the partnership. They were also able to explain how they engage in all partnership activities, which eventually leads to the implementation of partnership

policing in their areas. The understanding of partnership policing in the areas of Giyani and Malamulele may be attributed to the commitment of all stakeholders as well as the education and awareness campaigns led by the SAPS. This resulted in the establishment of CPFs and buy-in by traditional leadership. All stakeholders have a common understanding that they depend on each other in order to deal with crime within the community.

However, ordinary members of the community found it difficult at times to understand exactly how they could actively participate in police work, which they have not been trained to perform. Some ordinary community members could not answer with confidence when asked whether they understand what partnership policing entails. This response came primarily from community members in remote villages who indicated that they would like to learn more about partnership policing. When asked how they want to learn about partnership policing, some indicated that they are willing to attend any kind of programme that will assist them to have a better understanding of the phenomenon. It appeared that workshops would be the most appropriate method since the majority of these participants appeared to be illiterate and could not read or write. These participants are leaders in their own right, and it is apparent that they are respected by the communities from which they come; most of them are traditional leaders.

During the interviews and observations conducted for this study, some community participants indicated that partnership policing makes it easy for them to collaborate with the police in order to identify and address the challenges related to crime within the community. Most of these participants indicated that partnership policing has resulted in more visible policing, an increased feeling of security among residents, and a reduction in crime. The findings of this study show that partnership policing is able to reduce crime. These participants are of the opinion that crime would be worse without partnership policing in their areas. In addition, this would result in community members taking the law into their own hands.

A significant number of community participants (35.7%), that is 7 out of 15 participants were of the view that the police are not doing enough to educate community members about partnership policing, especially in rural areas. They claim that the police are only

interested in collaborating with community members in the urban areas of Giyani and Malamulele. However, 62.9% of community participants indicated that they attend meetings where partnership policing activities are discussed. A significant number of SAPS participants (50.0%) indicated that they understand what partnership policing is, and that they are actively involved in partnership policing. In contrast, 50.0% indicated that they have heard about partnership policing, however, they are not actively involved and, therefore, they have no detailed information about the phenomenon. The participants could therefore draw two conclusions from the responses: first, not enough has been done to educate stakeholders about partnership policing in these areas, especially in the rural areas. Secondly, some community members are not interested as they indicated that they would not like to endanger their lives and their families' lives by participating in police activities.

It was further found that there is apathy, especially among the youth, to collaborate with police officers, as they would not like to be called "Impimpis" [Informers]. Some traditional leaders, who also indicated that they are not even invited to meetings organised by the police, expressed the same sentiments. Traditional leaders feel that they are undervalued and their contribution to partnership policing is undermined.

The meaning of partnership policing has seen a variety of interpretations. It was therefore important to have a common understanding of concepts related to partnership policing. For this reason, the researcher attempted to ascertain the participants' level of understanding of partnership policing. This was done by means of focus group interviews. There is a legislative framework, like the South African Police Service Act and the National Crime Prevention Strategy, that makes it possible for members of the South African Police Service to understand this concept. However, not every member of the community has the opportunity to access these documents, unless they are part of structures such as the CPF, which works with the police. The police are obliged to establish forums such as the CPF where they need to work with community members to identify and address crime jointly. Furthermore, the police need to ensure that all role players understand everything about partnership or community policing so that everyone understands their roles and responsibilities. Similarly, the National Crime Prevention Strategy defines partnership policing as a multi-dimensional approach to crime prevention. It provides a platform from which the

South African Police Service and other government departments, as well as the private sector and NGOs can integrate their approaches to policing. The Constitution of the Republic of South Africa also requires the South African Police Service to establish partnership policing locally. The community and the police are encouraged to establish structures that will assist them to address issues of crime, fear and disorder (Trojanowicz & Bucqueroux, 1994:1). However, these authors argue that stakeholders should not rush into the implementation of partnership policing without a full theoretical understanding of the concept.

During the interviews it emerged that some role players in the partnership policing in the Giyani and Malamulele areas have either little or no understanding of partnership policing. This, despite the availability of the abovementioned legislation and other policy guidelines, is evident amongst people who are not directly involved in partnership policing at the station level. In contrast, those who are actively involved in partnership policing have different levels of understanding. Research shows that there are several interpretations of partnership policing (Mabunda, 2014). For this study, “partnership policing” refers to an interactive partnership between the police and the community in which problems are identified and jointly solved. This requires that the community becomes actively involved in policing by forming partnerships with the SAPS. Partnership policing is impossible without cooperation, trust and honesty amongst partners.

In expressing their understanding of what partnership policing is, the majority of the SAPS participants were clear about the theoretical aspects of the phenomenon. They indicated that they have a very good understanding of the concept. For these participants, partnership policing means that the police and the community should establish a relationship in the form of a partnership in order to identify and solve crime together. Furthermore, they understand that they cannot deal with crime in isolation, as they need each other. This partnership is only possible based on mutual trust, honesty and respect. The process of establishing an understanding of partnership policing is significant because it will be unthinkable to have effective partnership policing without understanding what this concept is all about. The researcher sought to probe this matter through focus group interviews, so as to test the participants’ understanding of partnership policing. The responses from the majority of SAPS

participants indicated their understanding of partnership policing, as well as their willingness to make partnership policing effective in their respective environments. They also showed commitment to educate other partners who do not have access to the legislative framework and policies, so that all can have a common understanding. Conversely, it emerged that some SAPS members who are not actively involved in partnership policing did not necessarily understand partnership policing. However, there is an indication that management is attempting to encourage all of their members in police stations to know about partnership policing, even though they might not be directly involved. This is in preparation for future participation by these members, as they may be deployed to serve in different areas to those that they are currently serving in. It was established that a series of training workshops are regularly organised at police stations to educate members about partnership policing; this is an encouraging effort.

It also emerged that some community participants do not fully understand partnership policing, particularly the semi-illiterate and illiterate members of the community. While the executive members of the CPF understand partnership policing, it emerged that they find it difficult to convince their members at the grassroots level of the importance of partnership policing. It appears that a great deal of education and persuasion is needed to convince these community members otherwise.

It became evident during the interviews that the level of understanding of partnership policing depends on how actively involved participants are in this type of partnership policing. While the executive members of the CPF had a better understanding of community policing, community members at the grassroots level indicated a lack of proper understanding of it. It also appeared that lower-ranking members of the SAPS did not understand partnership policing well, while high-ranking officers had a better understanding of the concept.

From this, it can be deduced that there is a need to educate all role players in partnership policing so as to ensure a better understanding thereof by all role players. This can be achieved through workshops and awareness campaigns, and by using community radio and other media. It also means that once all role players have the same understanding of what partnership policing is, some of the challenges that affect the effective implementation thereof will be addressed. Partnership policing is a range

of specific techniques that the police and community use to jointly identify and solve crime in partnership at a local level (Wright, 2002:143). It is a philosophy that promotes organisational strategies that support the systematic use of partnerships and problem-solving techniques, in order to proactively address the immediate conditions that give rise to public safety issues such as crime, social disorder and fear of crime (Nalla & Newman, 2013:17; Clemens, 2006:103).

In support of these authors, Reyneke (1997:12; Palmiotto, 2011:215) defines partnership policing as a philosophy that guides police management styles and operational strategies, and emphasises the establishment of police-community partnerships and a problem-solving approach that is responsive to the needs of the community. It is based on the premise that both the police and the community must work together to identify, prioritise and solve problems of crime, fear of crime and social disorder, and to improve the quality of life in the area (Rakgoadi, 1995:2).

For the purpose of this study, partnership policing is defined as a strategy that encourages police-community collaboration or partnership on an equal basis; it is aimed at identifying and solving the root causes of crime at the local level.

In an effort to reduce crime more effectively and efficiently, the police are required to establish collaborative partnerships at the local level (Skogan, Steiner, DuBois, Gudell & Fagan, 2002:10). These relationships assist the facilitation of trust between the community and the police. In the context of this study, the partnership should include the SAPS, CPFs, NGOs, Civic organisations, Traditional Leadership, and Religious formations. It is significant to note that bringing these leaders together is a mammoth task due to the apartheid past in South Africa. This study has established that all these stakeholders have come to realise that community members are a valuable source of information, which assists the police in addressing crime in the community. Citizens are in a position to provide information to the police which will eventually lead to the apprehension of perpetrators of crime, thereby ensuring crime reduction. Consequently, collaboration between the community and the police is beneficial to all stakeholders. For this study, the researcher sought to understand how all stakeholders can contribute to crime prevention and crime reduction in Giyani and Malamulele. A review of the relevant literature uncovered many definitions of partnership policing, however, most of these definitions lead to the same objective of jointly identifying and

addressing crime problems in a particular environment. Partnership policing is an approach that requires the police to be an equal partner with other stakeholders so that they pool their resources in order to identify and solve crime and disorder at the local level (Morabito, 2010:564; Boba, Weisburd & Meeker, 2009:23)

Research shows that police-community partnerships may be effective in instances where all stakeholders have a better understanding of the concept. The level of understanding of participants was explained in detail in paragraph 5.2.1 of this study. As explained in Chapter 5 (paragraph 5.2.1), stakeholders in the partnership should have the right motives for their involvement, in order for the partnership to achieve its set objectives. The main objective for establishing a partnership is to attempt to improve the quality of life of citizens by ensuring that crime is reduced. It is important to emphasise that the community should be considered an equal partner by the police, and that this will require constant assurance by police management. The police have to find ways to change the negative perceptions that the community holds of them in order to obtain the full support of ordinary community members. As a result, community confidence in the police will increase, and the community will be willing to participate in crime prevention activities at the local level.

The harm caused by the apartheid past will require significant effort on the part of all stakeholders to correct the damaging effects thereof. As a result, it is important for the police to educate community members on partnership policing, which will eventually benefit all. Research indicates that there are various types of police-community partnerships (Cox, 2010:231), however, there are diverse reasons for establishing such partnerships. For this study, the main objective is to reduce crime, particularly in areas led by traditional leadership in Giyani and Malamulele. A partnership policing strategy provides an opportunity for all partners to participate in decision-making (Skogan, Steiner, DuBois, Gudell & Fagan, 2002:2). In order to measure the impact of police-community partnerships, it is important that all role players understand the concept. This will ensure that the goals of the partnership are clearly stated and understood by everyone. The main objective for partners in partnership policing is to strive to maintain successful working relationships with each other, with the intent of reducing crime (Wehrman & DeAngelis, 2011:50; Chappell, 2009:7). These authors suggest that the goal of community-police partnerships should be to seek out ways to

build stronger relationships between the community and the police. This can only be possible when partners trust and have confidence in each other. While police-community partnerships are usually led by the police, everyone involved must feel that they are equal partners (Dittman, 2003:286). Furthermore, communication must exist between role players and messages must be conveyed clearly (Mazerolle, Wickes & McBroom, 2010:6).

The literature review on the role of traditional leadership in partnership policing is presented and discussed in Chapter 3 of this study. In Chapter 3, the significance and role of traditional leadership was illustrated. It is important to realise how traditional leadership have contributed to the development of their communities over the years, and will continue to make a contribution to police initiatives.

The development of a comprehensive plan that includes accountability, decentralisation, collaboration and problem solving should be a priority in partnership policing (Connell et al., 2008:144). For this study, it is important for police management to ensure that enough personnel are assigned to police remote villages, as suggested by Chappell et al. (2008:15). In addition, resources should be made available and accessible at any given time. The success of police/community partnerships hinge on the involvement of each stakeholder (Payne & Button, 2009:528). Research shows that it is important to take the cultural influences within the community into consideration when forming partnership policing (Payne & Button, 2009:528). In support, Skogan et al. (2002:19) also suggest that police agencies consider the ethnic make-up of communities when attempting to implement police-community strategies. Police-community partnerships are valuable tools which provide an opportunity for stakeholders to capitalise on the available resources with the objective of preventing or reducing crime at the local level (Mabunda, 2014).

Based on the perceptions of various participants in the focus group interviews, it appears that those who are directly involved in partnership policing have a better understanding of partnership than those who are not directly involved. This emerged as a result of their perceptions, as presented in Chapter 5. It also appears that the executives representing the community, as well as SAPS management, understand the concept of partnership policing better than those at lower hierarchical levels. Most participants exhibited sufficient knowledge and understanding of partnership policing,

as one participant indicated: *“...the work of the police is much easy when there is cooperation between the community and the police and I understand what partnership policing is... Yes, I am familiar with the policing partnership in this area ...”*

In view of the above responses by participants, the researcher believes that it will be impossible to effectively implement partnership policing without the cooperation of other stakeholders, as the police cannot function effectively on their own (Mabunda, 2014). The interviews revealed that semi-illiterate and illiterate members from the community, particularly from remote villages in Giyani and Malamulele, either had limited or no understanding of partnership policing. They cited inadequate, or lack of, communication regarding partnership policing activities in their areas because some poor relationships exist, as one participant indicated: *“...Yes, I understand. You will remember that it is important to have good relations with traditional leadership while performing our duties...”* Other community participants further expressed concern regarding the importance of the relationship between the police and the community, which does not appear to be good: *“...Mmm...I think it is important that the policing forum or the relationship between the police forum and the police be sound...When these happen, the community act as informers to the police, alerting them of criminal activities in the area”*. Furthermore, it emerged that those members of the SAPS who are directly involved in partnership policing have a good understanding of the phenomenon. One SAPS participant said: *“...Partnership policing means relationship. Here in this area, the relationship is good, because the community report all crimes to the police. For instance, traditional leaders are informed when parolees are released. In addition, traditional leaders report crime to the police on behalf of communities. As a result, I can say there is a good relationship and the community respect traditional leadership. This does not only happen in the Malamulele Township, but also in the villages...”* It follows that these SAPS members have access to the legislative framework and policies governing partnership policing, all of which are not available to the ordinary members of the public. As a result, the level of understanding of partnership policing in the area varies based on the availability of information.

Moreover, participants in other areas under study held a negative view of partnership policing. As presented in Chapter 5, some participants indicated that most police officers make it difficult for partnership policing to take place in their areas. They argue

that very little has changed with regard to police attitudes since the advent of democracy in 1994. Some went on to state that police brutality is a daily occurrence, especially when the crime has been committed and the police are determined to make arrests. This, despite the fact that some of the suspects that are arrested are later released, due to a lack of evidence. Furthermore, some villagers indicated that they are afraid to work with the police due to a fear of victimisation. They indicated that the police reveal their identities to criminals; as a result, they are not willing to risk their lives and that of their family members. Moreover, they claim that the police do not even make an effort to educate ordinary members of the community about partnership policing. These participants justified their lack of understanding of partnership policing by blaming the police for side-lining or neglecting them. However, some indicated their willingness to understand partnership policing should workshops be organised for them, and they are invited to participate: *"...we try to understand what partnership policing by reading about what is happening in other areas or in the newspapers and on radio ... partnership policing sound to be a good thing, not only for the police, but for everybody ...In addition, this will result in the reduction of crime and encourage investors in our areas"*.

The majority of community participants are of the view that their understanding of partnership policing may improve when opportunities are provided in order for them to participate in all policing strategies and activities. Furthermore, these participants are of the opinion that their involvement will restore their confidence in the police. In addition, the participants suggested that there should be constant communication between role players in order to ensure that they have the same understanding of their roles and responsibilities in the partnership: *"...the meeting must firstly be focused on educating communities about the work of the police ... and secondly, they must ensure communities that their safety is guaranteed when they report crime to the police..."*. Another participant explained why he did not understand partnership policing by citing the fact that he was not educated. He further stated that he was ready to go to any place where an opportunity will be provided for him to learn, by stating: *"...It is never too late to learn"*. From the experiences of these participants, it appears that SAPS management need to increase communication on these matters, and educate members of the community about partnership policing at the local level. More workshops and other means of communication are likely to serve the purpose of

educating members of the community about this significant policing strategy for the reduction of crime. Furthermore, it emerged that not only members of the community need education, but also members of the SAPS, especially low-ranking officers who are not directly involved in partnership policing. As a result, members who are not directly involved in partnership policing often have a negative attitude towards members who work with the community in partnership policing.

One of the participants explained his frustrations as follows: “...*things were better during apartheid. We used understand what the police were about. They were looking for people doing politics and crime was not as bad as it is today. Things are bad these days because of this so-called democracy. In South Africa, everybody does what they like without fear about the consequences of their actions and people are frustrated about the government... and the police in particular...*”.

One of the participants explained: “*I do not understand what partnership policing mean*”]. This participant also blamed the SAPS for failing to communicate to, or cooperate with, members of the community regarding issues affecting the community.

From the experiences recalled above, it appears that it is incumbent on SAPS management to assume a leading role in ensuring that there is adequate education, consultation and communication with all stakeholders in the partnership, in order to ensure the effective implementation thereof. Furthermore, this will result in a better understanding of the partnership policing concept, particularly by members of the SAPS at the lower levels (ranks) and other stakeholders. This will empower all stakeholders with the skills and knowledge required in the partnership. Their understanding is important as they will be in a better position to effectively participate in and contribute to the reduction of crime at the local level. Failure to empower all stakeholders will result in strained relations as well as an increase in crime levels. This is due to the fact that all these stakeholders need each other as the police cannot function effectively without the support of community members who are supposed to provide information about crime to the police. While partnership policing appears to be a well-known concept to the ordinary person, this is not necessarily the case for most members of the community. As a result, the management of the SAPS must ensure that the masses are educated about partnership policing, especially in remote rural villages in Giyani and Malamulele. Previously disadvantaged communities can no

longer be neglected as crime affects them the most because police visibility is lower in these areas than it is in urban areas. The next theme to be interpreted is “Evaluating the effectiveness of partnership policing”.

7.2.2 Evaluating the effectiveness of partnership policing

Both the SAPS and citizens have come to realise that they cannot deal with crime without cooperating with each other. Tilley (2004:128) argues that crime can only be addressed if communities accept shared responsibility for their own safety and security. Furthermore, Tilley (2004:129) argues that the extent to which the SAPS deals with crime is determined by the level of community involvement in policing activities. The core challenge of this theme is thus to emphasize the importance of communication, honesty and trust amongst stakeholders in the partnership. Stakeholders must be empowered with the necessary skills and knowledge that will eventually assist them to achieve the goals and objectives of the partnership. It follows that stakeholders in the partnership will feel valued if they participate in decision-making and are part of the implementation of policing strategies in the community.

In this regard, a partnership involves a relationship through which community members are afforded an opportunity to participate in all policing matters affecting them within the community, which will eventually contribute to the reduction of crime. The police and the community cooperate and collaborate in an endeavour to find solutions to crime and other community challenges (Trojanowicz et al., 1998:1; Zwane, 1994:1). Furthermore, Zwane is of the opinion that partnerships promote a sense of shared responsibility as well as community strength and enhanced cohesion, which enable the community to react immediately to crime prevention needs.

Moreover, Trojanowicz et al. (1998:6) emphasise the fact that partnerships should include diverse groups. These authors indicate that it is important that stakeholders have a shared vision in terms of their expectations and objectives of the partnership in order to ensure effective implementation. Furthermore, it is important to ensure that the partnership provides for participation by ordinary members of the public, not only by community leaders. This means that input from the grassroots level should also be taken into consideration when decisions are made regarding the partnership. No input is insignificant when it comes to effective partnership policing, because ordinary members of the community are often at the receiving end of crime. In addition, an equal

partnership policing model is effective when all parties are considered equal (Trojanowicz et al., 1998:7).

For partnership policing to be effective, there should also be consultation amongst stakeholders at all times. This will result in obtaining the best possible information to assist in identifying and addressing crime problems. These will result in good community-police relations. A community-police consultative forum should be developed so as to facilitate joint problem identification and solving (Steven & Yach, 1995:37). The Community Policing Framework and Guidelines of the SAPS also emphasize the importance of consultative forums in order to have effective partnership policing. In terms of these guidelines, this will ensure that there is quality in the service delivery local needs and priorities are identified; services rendered by the police are evaluated (Department of Safety and Security, 1997:77).

Moreover, such consultative forums should be representative of all constituencies. This will ensure that the views of different communities are addressed without bias. Another significant aspect of partnership policing is accountability. This means that stakeholders should be held accountable for their actions or omissions. However, participants should be provided with clear instructions in terms of their roles and responsibilities in the partnership. Accountability means that both the police and the community must ensure that they act within the parameters of the law. It also requires that they provide an explanation for their actions or inaction when expected to do so. No one in the partnership is above the law and this must always be emphasized in order to prevent those who violate the law, or do not adhere to the rules, from claiming ignorance.

In partnership policing, the emphasis should be on the relationship between the police and the community, which is based on mutual trust, honesty and respect. Furthermore, in this partnership, the police and other stakeholders must ensure that needs are jointly identified and addressed. For this study, “partnership policing” is defined as the police taking a leadership role in bringing other stakeholders together and pooling their resources in order to address crime-related problems within the community. According to the National Crime Prevention Strategy (NCPS) of 1996, the objective of establishing police-community partnerships is to ensure that the government and, to some extent, private enterprises, as well as other role players come together to jointly address crime.

However, it is important to note that no single model of partnership applies to all situations. Partnerships should be established based on the desire to find solutions at the local level. Successful partnership policing should be based on the following principles: equal distribution of power and resources; respect and trust; and the involvement of local leaders, to name a few.

From the experiences of participants in this research, as presented in Chapter 5, it emerged that the majority of the participants perceive of partnership policing in their respective areas as effective. This is presented in paragraph 5.2.2 of this study: *"... Yes. Eh! Partnership is effective in this area. One, Eh! Because even the community members, sometimes they invite us when there is a challenge of crime. So that they can assist us by voluntarily getting to involve...to patrol their places by the community. But they need the advises from the SAPS...To say, as a community we see sometimes the challenge of saying crime is escalating in our places. So, which is the involvement that the community can contribute? The patrols by the community...marha...but eh! Following the constitutions and the rights of the people. Asking to the police to assist them about those patrols... Another thing, we need to have the structures on their places"*. As a result, this participant believes that partnership policing is somewhat effective, with a few areas that need to be attended to in order to close some gaps. Another participant explained that all role players understand what is expected of them, which contributes to the effectiveness of partnership policing: *"...Like Street Committees, Sector policing that are assisting us SAPS. That is why I'm saying, yes, the policing partnership is effective in our area..."*

It follows that these participants explained and highlighted the commitment of SAPS management to make sure that partnership policing is effective in the area. Another participant highlighted the importance of the responsibility of SAPS management to support partnership policing, by saying: *"...Management of the police must come on board to support us...because if they do not support us we will not succeed."* This is a concern because, according to this participant, the SAPS is not fully committed to the effectiveness of the partnership. Participants further indicated that it is their responsibility to ensure that security and order prevail in their areas. They understand that their involvement in policing activities will ensure effective prevention of crime, insecurity and disorder. This requires that all role players collaborate with others in a

partnership. As a result, it becomes possible to jointly identify and address challenges within the community. Partnership policing ensures effective crime control and prevention in society: *“...collaboration with other role players makes things easy for all of us. We are able to share, not only information but also to share resource. The police are now able to move freely within the community without fearing for their lives. This is a big change when we compare this with the past...Things improved significantly since the introduction of Community Police Forums (CPFs). At least now we are given the chance to attend these meetings and be part of policing our areas. However, there are still some police officers who refuse to change their attitudes”*.

Some participants, as discussed in Chapter 5, expressed their dissatisfaction at the conduct of certain police officers as follows: *“...Relationship with the police is not good...because there were certain police officers in the Giyani Cluster who interfered in traditional leadership affairs which they are not familiar with. They were meddling in these matters abandoning their police responsibilities”*. As a result, distrust and disrespect between some traditional leadership and the police have had a negative impact on partnership policing. Consequently, it is important to address these matters urgently so that there is effective implementation of partnership policing strategies in all areas. The failure to attend to these issues will result in strained relations. From these experiences, it is evident that some sections of society, particularly traditional leadership, feel that some police officers are not serious about the effectiveness of partnership policing in their area.

Moreover, participants revealed that the attitude problem stems primarily from officers who are at the lower ranking levels. However, it should be noted that the effective implementation of partnership policing hinges on the commitment of all stakeholders. Evidence of opposition to the ideals of the partnership should be addressed speedily. In this way, the set objectives of the partnership will be achieved; this will in turn result in peace and security in the neighbourhoods.

The next theme presents the relationship between role players.

7.2.3 Evaluating the relationship between role players

Every police station is required, in terms of Section 206 (3) (c) of the Constitution of the Republic of South Africa, to promote good relations between the police and the

community, and to monitor police conduct. Palmiotto (2011:85) describes “Police-community relations” as the relationship between members of the police and the community as a whole. In this relationship, the police are expected to serve the community while the community is expected to provide information about crime. As a result, it is important for the police and the community to trust and respect each other. However, it emerged during this research that some sections of the community and some police officers still do not trust each other, which has a negative impact on partnership policing, and has the potential to contribute on an increase in crime in the area under study. Research shows that mistrust amongst role players in a partnership results in unnecessary tensions (Oliver, 2004:33; Mabunda, 2014).

Furthermore, police-community relations require that the police and the community jointly identify and solve crime together (Oliver, 2004:31; Lab, 2004:196; Redelet & Carter, 1994:52). These authors argue that the community and law enforcement agencies should do everything in their power to encourage good relations for the success of the partnership. This means that the community must show its willingness to participate in, or an interest in, police activities by cooperating with the police at the local level. The police, in turn, are required by law to render quality services to the community. This will eventually result in a good working relationship.

In addition, the Policy Framework and Guidelines for Community Policing (South Africa, 1997b) requires that the police create an environment for a better understanding and a relationship of trust with the community and other role players. It should be emphasized that trust is regarded as a cornerstone for effective partnership policing. Moreover, the police should treat citizens with respect, and the citizens have an equal responsibility to respect the police. When an atmosphere based on mutual trust exists, it becomes easier for role players in a partnership to cooperate and collaborate with each other. According to Palmiotto (2011:86), the types of relationships vary from one environment to the next. This means that a relationship may be bad, indifferent or good, depending on the attitude, actions and demeanour of every member of the police, both individually and as a collective. Furthermore, there should be continuous communication among these partners in the partnership policing. In addition, the community must be assured of their significance and be actively involved in structures such as CPFs and other crime prevention initiatives in

their area. Palmiotto (2011:85) further argues that police-community relations are an important focus of policing in contemporary society, especially under the partnership policing model. As a result, it is important that the police and other public agencies and individuals discover common problems and work together to find solutions. Poor police-community relations result in inefficiency.

The majority of the participants indicated that they have a very good working relationship with the police in their areas: “Vuxaka exikarhi ka hina na varhangeri va ndhavuko byi kahle swinene. Xo sungula, mi ta tsundzuka swinene ku ri, loko hi ri karhi hi tirha, ku na milandzu leri va hi vikelaku yona, ngopfu ematiko-xikaya. Hi sungula hi ku vika ehosini, ni ku vutisa loko hosi yi tiva hi ta milandzu leyi. Ku suka kwalaho hi ya emahlweni ni vulavisisi. Hi endla tano hikuva varhangeri va ndhavuko va tiva hinkwaswo leswi humelelaku etikweni ra vona. Leswi swi endla leswaku ntirho wa hina wu olova. Nakambe, varhangeri va ndhavuko va na byona vuxoko-xoko bya ti foni ta maphorisa, naswona, na hina hi na tona tifoni ta vona. Loko ku ri ni milandzu, va hi tivisa hi ku hatlisa. Ha swi tiva leswaku va-aka tiko va tlula milawu minkarhi yin’wani. Minkarhi yin’wani hi kuma leswaku va-aka tiko ava hlonipha varhangeri va ndhavuko. Loko leswi swi humelela, hi ringeti hi matimba ku kuma swintshuxo”. *“...Relationship between us and the traditional leadership here is good. Firstly, you will remember very well that, when we are busy working, there are incidents that are reported to us, especially, in particular villages. We begin in the chief’s place to notify the chief and to inquire if the chief is aware of a reported matter. Thereafter, we proceed. We do this because traditional leaders know each and everything that happens in their areas. As a result, it makes our work much easy...The issue is, in this relationship, traditional leaders have our telephone details. We are also supposed to have theirs. When there are incidents in their areas, they report these to us timeously. We understand that sometimes community members break the law. Sometimes you find that community members do not respect traditional leaders, but when we discover problems, we are able to cooperate and help find solutions”.*

The comments by this participant point to a relationship that is sound or good for a partnership to be effective. However, some traditional leadership participants expressed disappointment with the conduct of some police officers by saying: *“When we hear about the police official who has been arrested for theft, business robbery, bank robberies, we lose trust and respect for the police. It is clear that we will never*

trust the police again". These appear to be some of the reasons why some police officers have brought the police into disrepute, according to some community members. In addition, the police are expected to lead by example, especially commissioned officers, so that low-ranking officers may not have an excuse to carry out misdeeds. Police officers are expected to be accountable and transparent. It appears that some police officers lack accountability, are corrupt, unprofessional, ill-trained and insensitive. Poor police-community relations result in unnecessary friction (Verma et al., 2014:226). Moore (1999:2) argue that the police must do everything in their power to develop relationships with the communities they serve.

Some participants indicated that the communities do not respect corrupt police officers: *"...What concerns us as traditional leadership is the involvement of most police officers in corruption. When you see a policeman you see a criminal. The same applies when you see a soldier...Even some traditional leaders are seen as criminals. Traditional leadership is no longer the same. It has lost its dignity and respect. These days, you find a situation where traditional leaders are taken to workshops. In the past, these things were not happening because a traditional leader was born and not made. That is the old tradition"*. However, there is hope that things will improve when stakeholders commit themselves to the cause of the partnership. Indications are that the leadership of the police and other stakeholders do everything in their power to build strong working relationships in the areas under study. It appears that joint awareness campaigns are often held to educate community members about the importance of partnership policing within the community. Community radios and other means of communication are used for this purpose, and this has contributed towards strengthening relations. A quality relationship between the police and the community is the main requirement for effective partnership policing (Redelet & Carter, 1994:50). A good police-community relation is key to ensuring that crime problems are resolved, as well as ensuring that there are open lines of communication. Furthermore, community policing requires cooperation amongst the police and other members of the community (Lab, 2004:196). Emsley (2007:102) is of the opinion that the police are able to serve the public effectively if a constructive working relationship exists between them and citizens. This, in essence, forms the basis for effective partnership policing and provides efficient communication channels to effective consultation (Burger, 2011:100). Furthermore, when good police-community relations exist, the police have

a better understanding of the public's concerns (Roman et al., 2002:23). In addition, good police-community relations prevent the possibility of the public taking the law into their own hands. Another SAPS participant indicated that meetings are arranged in which issues around crime are discussed: *"Yes, there are Imbizos. Structures like CPF, Executive, Rural Safety, Victim Empowerment, and Youth against Crime. So, all those structures...the members, Executive members, they assist us - together with the traditional leaders - to cascade the information to the community members, to say we need the police, the police are asking this, or are advising us to do this, so that we can prevent this and this...Exactly yes. Even us as police we cannot be able to do anything without the community and the traditional leaders. So, we are working hand-in-glove. And to...reprimand each other if there are some problems...So, if there are community leaders, they come to us and advise us to say, 'police; here you are not doing enough'. So, that we can improve our services...Meetings are organised"*.

The majority of the SAPS participants generally indicated that they have a good relationship with the CPF and other role players. There were a few SAPS participants who indicated that they have a poor relationship with the community, which is a matter of great concern. Some SAPS participants pointed out that a lack of cooperation was one of their concerns. They indicated that some community members hide criminals or withhold information regarding criminal activities, thus making police work difficult: *"Sometimes the community assault suspected criminals because some feel that the police are only going to arrest the criminal today and release him the following day...this affect the relationship between the police and the community"*.

The implementers of partnership policing envisaged addressing the generators of crime through partnership policing in Giyani and Malamulele. The study revealed a number of factors that affect good working relationships in the area, namely, lack of trust and accountability, police corruption, and so forth. There have been complaints from some participants about some police who are in cahoots with criminals; this needs to be addressed by police management as soon as possible. Given these findings, it stands to reason that the partnership policing concept has the potential to be effectively implemented and, eventually, could result in the reduction of crime in the Giyani and Malamulele areas. Research shows that effective partnership policing around the world has been characterised by transparency, effective communication and

consultation, amongst others. In this theme, participants expressed their views as to how they would have preferred the relationship in the partnership to unfold. The objective of the theme, as presented in paragraph 5.2.3 of Chapter 5, highlights the concerns expressed by participants when asked about the relationship between role players in the partnership in their respective areas. They were at liberty to express their daily experiences as well as matters affecting their daily lives, and they were able to talk about their first-hand experiences. Figure 1, below, depicts the participants' views of the relationship between the police and community members in their respective areas.

N = 50: How would you describe relations between Police and residents? (%)

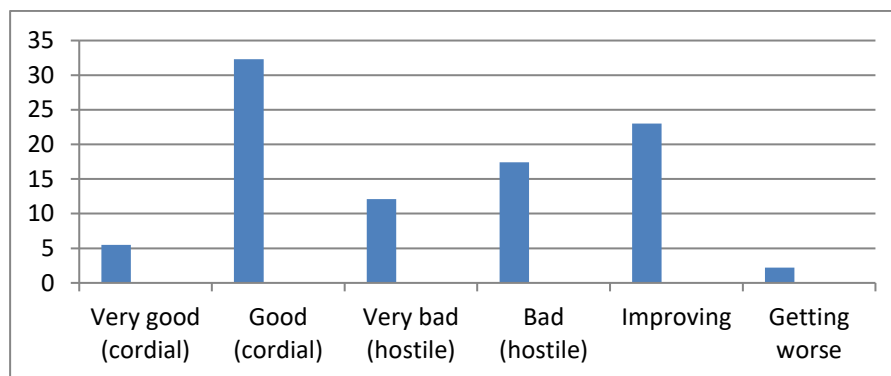


Figure 7.1: Participants' responses regarding relationships between role players

Figure 7.1 indicates that seven percent (7%) of the participants indicated that the relationship between the police and the community is very good. It is encouraging to note that about 32% of the participants considered relations between police and residents to be cordial. It is also encouraging to note that 23% of participants believe relations between the police and community members to be improving, while 3% indicated that these relations are getting worse.

Furthermore, they highlighted the importance of trust, honesty, participation and effective communication as some of the key drivers of effective partnership policing. It follows that the effectiveness of partnership policing requires an environment where all partners are treated with respect, and in which an atmosphere of transparency and openness is created. As a result, the researcher suggests that the roles and responsibilities, as well as clear guidelines and objectives, should be clearly outlined

as a form of terms of reference (TOR) for the partnership, in order to avoid the crossing of boundaries.

Moreover, the participants' experiences presented in paragraph 5.2.3 indicate the significance of transparency, communication, cooperation and trust in partnership policing. All partners must feel that they are valuable members of the partnership, especially during the decision-making stages. From the participants' responses, as discussed in paragraph 5.2.3 of Chapter 5, it is evident that the majority of the participants are looking forward to a stage when partnership policing will be effectively implemented in their areas. As a result, the majority of the participants are hopeful that all role players will cooperate and deal with crime together: "*We hope we are able to cooperate and help find solutions*". As a result, the participants suggest continuous dialogue, consultation, transparency and open communication as a way of strengthening relations going forward. The role of traditional leaders in crime prevention is presented in the next section.

7.2.4 The role of traditional leaders in partnership policing

The South African Constitution and other legislation, such as the Traditional Leadership and Governance Framework Act, of 2003 recognise the relevance of traditional leaders in many spheres of governance. In addition, the NCPS and the White Paper on Safety and Security also recognise the role played by traditional leaders. It is noted that, in reality, traditional leadership plays a very important role in partnership policing in rural areas. As a result, policing cannot be possible without the involvement of traditional leaders in safety and security, as well as in other related services that the police are not in a position to provide for rural communities. This recognition also plays an important role in improving the relationship between traditional leaders and other role players in partnership policing.

This theme presents the role of traditional leadership in partnership policing as discussed in paragraph 5.2.4 of Chapter 5. The core challenge of this theme is, therefore, to assess the role that traditional leadership should play in partnership policing. The overview provided in paragraph 5.2.4 acknowledges the significance of traditional leadership within communities, as performed in collaboration with other stakeholders, particularly in the criminal justice system. The findings of this study indicate that traditional leadership is not only significant in terms of safety and security

in the community, but also plays a significant role in the development of communities with the assistance of other government departments.

Moreover, Lab (2004:21) illustrates how society can benefit when the relevant stakeholders collaborate in crime prevention initiatives. In this study, this includes the significant role played by traditional leadership. Partnership policing can be effective as a result of various institutional forces coming together to jointly identify and address crime-related problems. Most of these institutional forces are mandated and trained to perform certain functions, while others are not necessarily trained, but authorised.

It follows that there is a requirement that all stakeholders expected to participate in partnership policing should be trained and well resourced. Literature on the role of traditional leadership indicates that most traditional leaders may contribute and make an impact in crime reduction in the communities they serve. From the traditional leaders' experiences, as presented in paragraph 5.2.3 of Chapter 5, it appears that traditional leaders play a crucial role in partnership policing, particularly in rural areas. However, some traditional leadership expressed various types of frustrations which, they argue, negatively impact the way in which they are supposed to govern. One of their major concerns is that crime and lawlessness have been allowed to rise because of the rights provided by the Constitution in the post-1994 era. As a result, they further argue that it would be a challenge to deal with rising crime because people are selfish, due to the importance provided for them by the introduction of the culture of human rights. Every traditional leader interviewed in this study raised concerns regarding the rising levels of crime and their inability to function effectively because of the fear that they may find themselves on the wrong side of the law. One traditional leader indicated that it is their responsibility to ensure safety and security in the community they lead: *"Traditional leaders have a huge responsibility to ensure that there is law and order...Our work was different in the past because there was less crime...When a person arrived in the village, they were first introduced at the chief as new members of the community...The law was strict...even cutting the fence was a serious violation of the law...people had respect and were able to distinguish between right and wrong...There was a specific way in which we used perform our tasks... however, now there is confusion all over because English and the so-called 'democracy' which we are not familiar have been imposed on traditional leaders. We have adopted American*

way of doing things which is foreign to us...In addition, the American laws are not meant for us...in addition, there is no traditional leader in America”.

This concern by traditional leaders seems well founded when one considers the crime levels and lawlessness in some communities. However, most traditional leaders expressed their willingness to be involved in the criminal justice system and crime prevention: *“I am prepared to do anything that will improve this community”*. Moreover, government has made progress in its efforts to involve the institution of traditional leadership since 1994. Furthermore, there has been much clarity regarding the role of the institution of traditional leadership in the democratic dispensation. In addition, most participants further expressed their frustrations around a number of issues related to partnership policing. These issues are presented in the following sections.

Some traditional leaders expressed concern that they no longer have control to govern their communities due to interference by other ‘external forces’, which they argue is foreign to them, as can be seen in the comment above. Furthermore, participants argue that, in the past, the role of traditional leadership ranged from the allocation of business/grazing/development/recreational areas, to running initiation schools, officiating over marriages and resolving disputes. As a result, one of the roles of traditional leaders is to deal with any crime and lawlessness that takes place within the community. Traditional leaders need the support of communities for them to be able to perform these functions. However, these participants argue that democratic structures often interfere in their governance. These have often resulted in tensions between traditional leadership and elected representatives at the local (Municipal) level. There is a notably uncomfortable relationship between traditional leaders and councillors.

Furthermore, traditional leaders have a responsibility to ensure that there is social order in the community they lead, and they have to enforce social norms and standards, as well as the rule of law. According to the traditional leaders, resettlement of the offender is part of the sanctions meted out when a crime is committed; as a result, they are allowed to expel an offender as part of the sanction or punishment. Traditional leaders also have to enforce by-laws, related to matters such as public disturbances, in the community. For example, if someone in the community sells liquor

and disturbs neighbours, the traditional leader should intervene to establish peace between concerned neighbours, thereby ensuring peace and security in the community. However, using this same example, the person accused of causing the disturbance may argue that he/she has a right to earn a living and has the freedom to do so.

Furthermore, the participants interviewed raised concerns regarding their own security while performing their functions. They expressed that they are vulnerable to criminal elements; therefore, they feel that they risk their lives while participating in crime prevention activities. They argue that it is not safe to be working or cooperating with the police as they are seen as “sell-outs” by the perpetrators of crime. They also argue that the police cannot be trusted as they provide information to arrested criminals by revealing who provided the police with the information that resulted in the arrest. As a result, their lives and those of their families are threatened, and they are often victimised. In this regard, one participant had this to say: *“Some police officers cannot be trusted...You assist the arrest the criminal, and when the criminal is released, he threatens you saying that he is aware that you sold him to the police...and as a result you do not want to endanger your life”*. This is a concern because the police will not be able to deal with crime without the cooperation of the community, particularly, that of the traditional leadership. The effectiveness of criminal justice at large is influenced by the level of trust between, and the willingness to cooperate by, all role players. There is fear amongst some traditional leaders that these criminals who threaten them have the potential to carry out their threats. As a result, this has a negative impact on the effectiveness of partnership policing. Consequently, traditional leaders are concerned that while the nature of their traditional role exposes them to danger, there is no willingness by the government to provide protection such as body guards; instead, they have to ensure their own safety and security.

Interestingly, some members of the SAPS see traditional leaders as indispensable role players in crime prevention. They commend the influence that traditional leaders have in traditional communities. One SAPS participant indicated that: *“It would be impossible to deal with crime without the involvement of traditional leaders, especially in rural areas”*. Oliver (1998:23) argues that police officials need the support and assistance of their communities. It emerged during interviews that senior police officers

show high regard for traditional leaders. Moreover, traditional leaders are always encouraged to contact the police any time they experience problems in their areas so that they deal with the problem together. Jones and Newburn (1994:46) are of the opinion that partners who work together are able to jointly identify and address crime problems. It emerged during interviews that the police continuously visit the offices of traditional authorities and satellite police stations situated in the villages. This is an indication that traditional leaders are playing a vital role in crime prevention.

However, there is a strong feeling amongst participants that traditional leaders should be empowered so that they can be more effective in their role in crime prevention and crime control. It is also proposed that traditional leaders should be formally granted powers to prosecute certain offences that take place within their traditional communities. Many traditional leaders are unaware of the powers and authority granted to them through traditional courts. As a result, they are often uncertain regarding the handling of certain cases within the community.

Moreover, there are clear guidelines showing the traditional courts which cases to prosecute and how to go about it. As a result, there is no uncertainty as to the cases and sanctions which are supposed to be dealt with by traditional leaders. Cases that could potentially be prosecuted by the traditional court include *crimen injuria*, common assault and some by-laws.

Poor infrastructure, such as roads and resources, appears to be one of the factors which impact negatively on the role of traditional leadership in partnership policing. During the interviews, it was established that some roads leading to traditional authorities are often in a terrible state. As a result, it is hard for police vehicles to arrive at the reported crime scenes on time. This has an impact on the police's reaction time, which in turn leads to the community's dissatisfaction regarding service delivery. Infrastructure needs to be improved as this will assist in terms of quality service delivery to the satisfaction of the community led by traditional leadership. It also emerged that there is a dire need for resources such as vehicles and communication equipment for use by police officers assigned to police traditional/rural communities. Moreover, there is a need for sufficient human resources (staff) who are licensed to drive vehicles. The issue of resources, however, goes beyond material resources such

as vehicles. There is also a concern that many traditional leaders still need to be trained in their roles, responsibilities and duties. Traditional leaders perform diverse functions in their communities, therefore, workshops should be arranged covering the specific functions that are supposed to be performed by particular traditional leaders as they do not perform the same functions. This does not necessarily mean that these traditional leaders must be enrolled for a formal education. The education should be about the workings of the country's constitution and various pieces of legislation, as well as matters related to basic rights and the duties of traditional leaders; this would be sufficient to empower them to effectively function in their role. As a result, they will be in a better position to assist members of the community and they will be able to give informed advice, take appropriate steps and/or refer individual community members to the relevant authority for assistance. It is important for traditional leaders to be reasonably informed, as community members often approach them for advice on various matters. These workshops should also cover issues such as arrests, police procedure and human rights. The 2003 Act identifies the role of traditional leaders in safety and security, and in the administration of justice.

The significance of the involvement of traditional leaders in crime prevention is that traditional leaders stay with communities and often have an understanding of what takes place within the community on a daily basis. It is for this reason that traditional leaders are regarded as important role players in crime prevention. Moreover, the institution of traditional leadership cannot function effectively without the criminal justice system. Most importantly, there are some cases that can only be handled by law enforcement agencies and not by traditional leadership. For example, in terms of the law, traditional leadership are not allowed to handle serious cases such as murder, robbery or rape.

However, some traditional leaders are uncertain as to how they should handle certain cases. While they are aware that corporal punishment is no longer permissible, some are uncertain as to how to deal with cases that would previously have been dealt with by means of corporal punishment. While this uncertainty amongst traditional leaders is understandable in many respects, ignorance of the law appears to be the basis of these uncertainties. Based on the above discussion, it is important to establish a working relationship between traditional leaders and the criminal justice system in

order to jointly identify and address crime at the local level. It is important for all role players to understand their role, function and responsibilities to implement partnership policing effectively.

The recognition of traditional leadership by government, as an additional theme, follows.

7.2.5 Recognition of traditional leadership by government

Traditional leadership is provided official recognition in South Africa. The most important law governing traditional leadership is the Traditional Leadership and Governance Framework (Act 41 of 2003). Moreover, Section 20 (1) (a-n) specifically acknowledges the roles of traditional leaders in a number of important areas such as safety and security, and the administration of justice. More importantly, however, with regard to the role of traditional leaders in service delivery, the Act provides a specific framework in which traditional leaders' relations and associations with elected authorities must be monitored and governed (Tshehla, 2005:2). However, it appears that there are often tensions between traditional leadership and elected government representatives in some areas. Traditional leadership is regarded as the crucial component for developmental projects used by the government at the local level, as presented in paragraph 5.2.5 of this study. According to Tshehla (2005:1), government is mandated to protect, respect and promote the institution of traditional leadership in accordance with the dictates of democracy in South Africa. In terms of The Traditional Leadership and Governance Framework Act (Act 41 of 2003), traditional leaders should be active participants not only in local government development initiatives, but also in the criminal justice system and other service delivery initiatives. However, it appears that some traditional leaders expressed frustration and disappointment with some government elected representatives, such as councillors at the local level, as presented in paragraph 5.2.5 of Chapter 5. Conversely, these councillors argue that traditional leadership is not cooperative and are occasionally reported to be instrumental in encouraging community members to hinder service delivery if it was not approved by traditional leadership (Tshehla, 2005:3).

As a result, community members stand to lose if there is tension between traditional leadership and government representatives, such as councillors) at the local level. Stated differently, Tshehla (2005:3), in paragraph 5.2.5, is of the opinion that, when

traditional leadership and councillors have these squabbles, the community stands to lose in terms of development. In addition, tensions between these structures only serve to rob communities of the basic rights afforded them by the Constitution of the Republic of South Africa; these tensions are also against the spirit of Traditional Leadership and Governance Act 41 of 2003.

It follows that traditional leadership and government representatives (councillors) should strive to cooperate in an endeavour to provide quality service to communities, instead of engaging in unnecessary turf wars. Moreover, these structures should be held accountable for their actions. The government introduced the Traditional Leadership and Governance Framework Act (Act 41 of 2003) in order to improve service delivery.

From the participants' perspectives, as discussed in Chapter 5, there have been some positive developments on the part of government; however, implementing the legislation appears to be a challenge, as expressed by one participant: *"Mr Mabunda there is no change. Now it is worse, because traditional leadership are no longer respected. As a leader, I support those who assist me in leading the community, but I feel that the government is determined to destroy the traditional leadership institution. Municipal representatives or Councillors are even respected more than traditional leadership. This allows these representatives to treat traditional leadership as commoners. They do not respect traditional leaders at all. But, the Constitution recognises traditional leadership institution. Nothing is being done to protect traditional leadership institution from these destructive tendencies"*.

The participants further expressed frustration with government representatives by indicating that these officials appeared only to be interested in enriching themselves as they know that their time in office is limited. As a result, the participant suggests that traditional leadership should unite and rejuvenate the institution of traditional leadership: *"I would suggest that traditional leaders call a meeting. Furthermore, I would like to see Venda, Shangaan, Pedi, Ndebele, Swazi [about six if I am correct] clans in Limpopo coming together as one. I know that our cultures differ"*. Consequently, this meeting will assist in restoring the institution of traditional leadership to its former glory: *"This meeting will be able to come up with a clear*

direction as how to restore the traditional leadership institution to what it used to be in the past. Instead, the current government imposed the so-called democracy to us. We do not even understand what this democracy because it is foreign to us. When you look at it, “D” represents a demon. We do not know what “cracy” means. Things were going well for the institution before this so-called democracy was introduced to us. We used to do things in a traditional way [according to our culture]”.

Another participant revealed that there is some progress with regard to the recognition of traditional leadership by government: *“The government has done enough. Eh! Compare to the past. Eh! And the other thing that we can know is that, yes, South Africa is having good policies that are there in South Africa. But the little problem that we are having is the implementation...But as SAPS members, we are there to say, eh! The government have done enough. Because, most...kumbe...most traditional leaders...they are on the line of saying, they have that passion, to say they are working hand-in-glove with the SAPS. So that all their places must be safe and secure in their properties and their people...of South Africa”.* Some participants believe that the government still has to do more in order to make traditional leaders feel recognised in all spheres of governance. This will ensure that traditional leadership is motivated to participate in the development initiatives put forward by government. It follows that the traditional leadership believe that the government does not ensure that policies meant to recognise the institution of traditional leadership are implemented. As a result, some of these traditional leaders do not cooperate with government representatives at the local level, which hinders the development of communities.

7.2.6 Challenges associated with traditional initiation schools

The challenges associated with initiation schools in South Africa are a matter of great concern, therefore, there is a need to address these challenges in order to save lives. It is important that a long-term strategy, by both traditional leadership and the government, be developed to deal with problematic traditional initiation schools. Other departments such as the Department of Health and the Department of Social Development should also be involved as these two departments are mandated to deal with health and social issues, respectively. During the interviews, the participants expressed a variety of issues related to this theme, as presented in paragraph 5.2.6. of Chapter 5. The aim of this theme is to identify these challenges and suggest possible

solutions, which will ensure that this ancient traditional practice is conducted in a safe environment, and that it is preserved.

The literature review on traditional initiation schools, as presented in Chapter 3, shows that this practice plays a significant role in the development of an African male in terms of social responsibility, and has previously been practiced without the challenges currently experienced in some provinces in South Africa. Furthermore, experienced traditional surgeons used to perform the ritual unlike today, as inexperienced traditional surgeons are reportedly performing the ritual; this eventually leads to unnecessary injuries and deaths. One participant indicated that, in the past, there were experienced traditional surgeons who were respected in the community: *“Traditional surgeon [known as Mayini] is supposed to be an experienced person. For instance, in this area there were well-known traditional surgeons known as Mavulweni. Those were experienced and well known traditional surgeons. Now there are Mbebule and Tswara who are also very experienced traditional surgeons, the founders of traditional initiation schools.”* It appears that socio-economic issues are, in some instances, the motivation behind the operation of illegal traditional initiation schools. Moreover, paragraph 5.2.6 draws attention to the fact that traditional initiation schools do not necessarily convert a boy into a man in just a few weeks in the bush. In addition, illegal initiation schools led by opportunistic, bogus traditional surgeons are mushrooming. The study found that this is one of the myths associated with traditional initiation schools. Furthermore, the factors presented in paragraph 5.2.6 highlight the importance of government intervention in the running of traditional initiation schools, as these have the potential to become killing fields.

From the participants' perceptions, as presented and discussed in Chapter 5, it is evident that there are a number of issues that negatively impact on traditional initiation schools. Participants are of the view that drastic action must be taken against the operators of illegal initiation schools: *“...More 20 than illegal initiation have been shut down in Limpopo, with more due to close. The office of the house of traditional leaders had been visited by parents unhappy with the schools”*. Moreover, participants suggested that the Department of Cooperative Government and Traditional Affairs should be actively involved in ensuring that no illegal traditional initiation schools are able to operate. However, the authorities insist that they always act against illegal

traditional initiation schools: *"We always close illegal initiation schools when we find them...We try to visit every one of them. All schools operating without a permit are shut down immediately. We do not want to see anyone operating illegal schools"*. The participants further expressed their frustration about the sanctions meted out to illegal traditional initiation school operators by the justice system. There are reports of illegal school operators who were arrested and sentenced in certain provinces, however, the media later reported that these operators were once again operating illegal initiation schools. This is an indication that the sentences meted out do not act as a deterrent. These operators appeared determined to continue due to the fact that the economic benefit is much greater than the risk of being arrested and sentenced.

The study participants indicated that they have not heard about illegal traditional initiation schools in the area: *"...I have not heard about the existence of illegal schools in this area."* However, some of participants believed that: *"It depends on the traditional leader in a particular area if he allows people to perform illegal things"*.

Participants also held the belief that the urban area is not a suitable geographic space to establish a traditional initiation school: *"Gauteng is not a suitable place to establish a traditional initiation school...There is no traditional leader or chief in Gauteng, people only go there to work, and these people stays in the mines and squatter camps...People are just taking chances because the government is unable to do anything about it...in South Africa, there is lawlessness everywhere...Where there is law, you will not hear such thing...You can go to Zimbabwe, you will not take a chance there to do illegal things...But when you look, there is no law and order in our country"*.

This participant also believes that there is lawlessness in South Africa. According to the participant, South Africa is a banana republic: *"When we speak about a banana republic we mean South Africa...Where have you seen a person from a country like Zimbabwe or Congo coming to our village to march, saying he/she have rights? I do not recognise such a person because he/she is a foreigner...But here in South Africa foreigners are given a right to march against our country. Have we gone to Zimbabwe, Congo, or China where our leaders are always taking us do a march themselves...their morale... deteriorate... because there was a royal confusion the police themselves...there are a lot of confusion now because...of the new structure...it affect their morale and your motivation to do your work"*. From these perceptions, it is evident

that traditional leadership would like to live in a society where there is a rule of law instead of a democratic country where any person can abuse the rights of others for personal gain.

The participant is hopeful that law and order will be restored only when corrupt and immoral leaders are replaced by good leaders. The participant further believes that the institution of traditional leadership will soon regain control over traditional initiation schools. According to the participants, the failure to replace some of the current corrupt leaders would mean that there is no future for South Africa.

7.2.7 Policing initiation schools and villages

Policing traditional initiation schools requires dedication and commitment by both the SAPS and traditional leadership. Participants' experiences, as presented in paragraph 5.2.7 of Chapter 5, bears evidence of the challenges related to policing these schools. This theme focuses on how all role players can contribute to ensuring that this traditional practice is conducted in an environment free of crime, and to ensure that initiates are protected. The literature review shows that these traditional practices have been performed safely, with few reports of injuries or the deaths of initiates. However, media reports indicate that this is no longer the case. As a result, it is important to identify the root causes of problems in traditional initiation schools and address them in order to save lives. This requires the joint efforts of all role players. While the Constitution of South Africa affords people cultural practices, these should take place within the law. Many scholars identified a number of contributing factors that lead to traditional male circumcision (Ntombana, 2009:1). These include culture, respect from the community, participation in traditional activities and moral values. The practice of traditional male circumcision in many African cultures is linked to rites of passage that seek to fulfil the needs of society and individuals (Peltzer & Kanta, 2009:83). Furthermore, Mogotlane, Ntlangulela and Ongunbanjo (2004:58) believe that male circumcision is usually performed to symbolise the boys' maturity and the transition of the adolescent male from being a "boy" to being a "man".

The participants' experiences, opinions and perceptions, as presented in paragraph 5.2.7 of Chapter 5, are presented in this theme. Some SAPS participants indicated that it is not an easy task to police traditional initiation schools: *"We do not necessarily interfere in the traditional initiation schools...Normally, those who often go to the*

initiation schools are those who linger around...However, there are a lot of things which takes place in the initiation schools...Sometimes they are having fun, but there are also reports about drug and alcohol abuse...There are those who have intentions to commit crime like stealing of chicken...This are some of the areas of concern, and always try to improve the situation...Those who illegal things are normally operating during the night...They will start singing as if they are part of those who are going to the initiation schools, meanwhile their intention is to commit crime...only those of us who have gone to the initiation schools understand this things...Yes, even if these things happen in the name of culture, there are some in the community who feel that they are disturbed in living their normal lives". From this comment, it appears that the police would not like to interfere with the running of traditional initiation schools. Sometimes it is difficult for the police to investigate reports of crime in these schools as some of the police officers tasked to investigate may not be allowed to enter the traditional initiation precinct. However, other participants indicated that there is a cordial working relationship between the police and the traditional leadership: *"I am certain that you saw that the traditional surgeon does not work alone, but work with a team...You might have noticed during your visit to these initiation schools...These people who are working with the traditional surgeon are always monitoring the situation and always update the surgeon about everything taking place there...The traditional surgeons do not always see everything, but he has control over everything there...Instructors [known as "Vadzabi"] are instrumental to ensure that everything is in order, the fire is always burning, etc. ...In the end, all goes well...All developments are reported to the traditional surgeon...They always hold meetings to ensure that all goes well".*

In addition, the participant indicated that they have no problem investigating alleged crime activities taking place in initiation schools: *"As police officers, we act upon all reports about crime...We make sure that all traditional initiation schools in our area are known and legal...We often visit all of them to ensure that all is well...When traditional schools are established, we monitor them from the start until the end".*

It was established that there are other departments who are mandated to oversee the smooth running of traditional initiation schools in the area: *"You will recall that there are other departments involved during the initiation school period to control and provide advises...If we receive information about illegal initiation schools, we immediately work*

as a team, and make sure that such a school is closed immediately, and take the necessary steps...We have never received a report of an illegal initiation school in this area of Giyani...We also have not received a single report of a death of an initiate in Mahlathi village where there was an initiation school...All went well until the end". It was further established that police management has ensured that only those police officers who have gone to initiation school, and understand what is going on, would be assigned to investigations associated with traditional initiation schools. This automatically excludes female police officers: "This area of Giyani is different than other places...The majority of policemen in this place are from the villages and more than 80%, if I am not mistaken, have gone to the initiation school...Therefore, we tell them that when a report come, commanders must not send those who have not gone to the initiation school...Because we do not want to come to a situation where there is a clash between traditional leaders and the police as they will think we undermine culture...So, we make sure that police officers attending cases in the initiation school have been initiated themselves and they understand what is happening there...Female officers are not allowed to go to the initiation schools...We have selected/identified police officers who work with cases associated with initiation schools...These police officers are working with initiation school-related cases until the initiation schools are closed".

Moreover, the participant indicated that there are plans in place to deal with crime in traditional initiation schools: *"We hold meetings every day when we report for duty... In these meetings, we plan for the day ahead...We make sure that there are few initiation schools in this area...We have a maximum of three initiation school in this area, therefore, we make sure that there are enough police officers to deal with initiation schools...We make sure that in all the Reliefs, there are people who deal with initiation schools...The Relief Commander knows that only those who have gone to the initiation school and not female officers can be able to attend incidents reported at the initiation school".* In addition, these participants indicated that community members understand the changes that are effected within the relevant villages during the initiation school season: *"These kinds of things are possible...Sometimes you find that noise and other things take place...However, community members come together to plan before the initiation period begins and agree on the period which this will take place, for instance, two to three weeks as an example...Furthermore, they agree on*

the behaviour of everyone during such a period...The challenge we have during this time is churches that play music loud using things like organs...There was a time where traditional leaders and church members experienced some difficulties...Fortunately, the matter was resolved when the chief intervened and things went back to normal...Agreements reached are not necessarily written down, but all come to an agreement with regard to behaviour of all during the initiation school period...The traditional leader call a meeting for all community members before the start of initiation schools so that no one will claim ignorance when found to have violated rules”.

Another participant agrees with the previous statement, by saying: *“They use to obey that because it is Customary Law. It is not in the books, but I think that is an agreement or from the traditional leaders, and other stakeholders to say, during the period of initiation school, they don’t want noise of a radio...Or other activities, that can disturb the period of initiation. In fact I think...or to say according to the information...Whether the initiation schools are far or near...From the village...They usually say, now is a period of initiation schools...They call the Imbizo...To say to the people or the communities of that places to say, we don’t need any noise of a radio...to play any other activities during those things, because all those activities have been suspended until the end of the initiation school.”* As a result, there are less tensions between the police and traditional leadership in the areas under study.

7.2.8 Relevance of traditional initiation schools

A man who is not traditionally circumcised is regarded as a boy among many cultural groups in South Africa. As a result, this person would not be allowed to participate in matters affecting the community in which he lives. The question is, how relevant is this practice in the 21st century? Is it still serving this purpose? As discussed in the literature review, in the past, there were social and cultural reasons for the practice of traditional initiation and circumcision amongst Africans. However, some argue that the traditional practice has lost its purpose, while others believe that it is relevant as it plays a crucial role in addressing social issues. This theme examines the views of the study participants, as presented in paragraph 5.2.8 of Chapter 5. Matobo, Makatsa and Obioba (2009:1) highlight the importance of traditional initiation in contemporary Southern African Society. These authors claim that there are health and social benefits associated with this traditional practice; as a result, they argue for its preservation.

Some traditionalists pose the following arguments: circumcision is inevitable for an African male, it has always been done, society expects it, parents would be shamed or remiss if they did not do it, it is good, it is aesthetic or enhances the appearance and it is natural (Caldwell, Orubuloye & Caldwell, 1997:86). This is an indication that some societies would not be separated from this traditional practice as they attach much value to it.

In support of Caldwell et al. (1997), Gwata (2009:5) argues that traditional male circumcision has retained its cultural value and may even have a place in the fight against the Acquired Immune Deficiency Syndrome (AIDS) pandemic. Consequently, there are sections of society who have reason to believe that the practice is still relevant to the current circumstances in South Africa. However, this group argues that the government should deal with illegal operators and support traditional operators by providing them with permission and licences to operate, as this is part of their culture and is afforded them in the Constitution of the Republic of South Africa.

From the participants' perceptions, as presented and discussed in Chapter 5, it appears that some participants believe that traditional initiation schools are relevant and should therefore be continued. However, there are also those who believe that the purpose previously served by these traditional initiation schools may be fulfilled through medical circumcision. There are also those who believe that traditional surgeons should collaborate with medical professionals to perform circumcisions in an appropriate environment; as a result of which, lives would be saved. Research shows that there are medical practitioners who are in support of traditional initiation schools and have gone there themselves, and who encourage their family members to do so as they understand its relevance. One participant expressed his joy after one medical doctor passed-out from one of the traditional initiation schools: *"more people will take a leaf out of what the practitioners of Western medicine had done and follow in their footsteps. We are encouraged by the fact that our schools are being visited by prominent people, including doctors. This motivates us to do more in ensuring the safety of initiates."* The Doctor, that is the initiate) who graduated from one of the initiation schools, said: *"As an African man I felt there was something missing in me. I plan to encourage fellow doctors who have not been initiated to take a bold step like I did"*. From these perceptions, it is evident that traditional initiation school is regarded

as a significant part of many African people; consequently, these people would like this traditional practice to be preserved. One participant, however, feels that traditional leaders should come together and discuss how the traditional practice could be restored. According to this participant, traditional initiation schools have been 'hijacked' by bogus traditional surgeons who are doing it for economic reasons: *"traditional leadership should come together and discuss the way in which our culture can be preserved...When there is a traditional initiation school, TV people must not be allowed access in those areas...or any person who have not been traditionally circumcised...People who do not have an idea what a traditional initiation school is...We must make sure that the tradition is maintained...I can support the continuation of this tradition...And I would like to see this continue...Here in this village [Siyandhani] the place where this traditional initiation used to take place is still there...Even the stones are still there...My opinion is that if things can be the way they used to be in the past, it would be a right thing to do...Let traditional leadership come together to restore tradition and culture, instead of western traditions"*.

According to this participant, there is nothing wrong with the practice, however, experienced traditional surgeons should be the only ones allowed to manage the cultural practice. This, according to the participant, would reduce the incidences of injury and the deaths of initiates. In his opinion, people are taking advantage of the fact that government seems unable to regulate the practice. As a result, people take chances and, in the process, risk the lives of initiates: *"In my opinion, most people take chances and open traditional initiation schools because they want to make easy money...They do not take care about human lives...They do not even consider the environmental situation...According to my understanding, initiation schools are supposed to take place only in winter...Secondly, traditional surgeons are supposed to be experienced people...and are good at their work...Not everybody who because of economic reasons can wake up one day and claim to be a traditional surgeon. These are reasons behind the challenges we hear about in the media everyday...When you look at these people who claim to be traditional surgeons, you even doubt if they actually went to the initiation school themselves...In my opinion, these people are doing this because of money, instead of doing cultural things and protect human lives"*.

According to another participant, there should be a proper consultation process to determine the way forward: *“In my opinion, various things should be considered before a decision to discontinue this culture is effected...They should also consider geographical areas where this thing takes place...There are some people who do things in a very professional way and these should be encouraged...For instance, my son was medically circumcised [by a medical Doctor]. Thereafter, he went to the traditional initiation school”*.

In addition, there is the problem of illegal traditional initiation schools. Children run to these schools because of peer pressure. One participant, an initiate, stated that he went to an illegal initiation school because his friend would always mock him because he was not traditionally circumcised: *“It is pressure from friends...They will say, to be medically circumcised will not make you a man, if you want to be a man you must go to the traditional initiation school to get a new name also. According to me, this is not important; when one considers deaths associated with traditional circumcision...You would not hear about death in the initiation school in the past. It was rare to hear that a person died and was buried there in the past”*.

Another participant, also an initiate, agrees by saying: *“In my community a lot of boys went through initiation...That is why I had to do it because I wanted to be the same as them. I wanted to be a man”*. According to one traditional leader, there has been an increase in initiation enrolments in the province in the past few years. He says that more families want to: *“tap into their culture...I think people are trying to find affirmation and a sense of belonging”*.

During the interviews, it emerged that some participants believe that there is a need for a paradigm shift. In addition, these participants suggested that governments should regulate the practice: *“I suggest that there must be a change of the mind set...They must identify places with bad records, for instance, places you mentioned earlier, like Eastern Cape province. Those places are notorious for injuries and deaths of initiates. They must look at the record of the area, and based on that decide whether to allow them to continue or not. In places where there is order, these should be allowed to take place”*. The preceding experiences by participants show that a lot needs to be done

with regard to traditional initiation schools. It means strong action should be taken against the operators of illegal traditional initiation schools, in order to protect life.

Recruitment, selection and training is presented in the following section.

7.2.9 Recruitment, selection and training

This theme presents the participants' perceptions of the recruitment, selection and training of police officers. The study participants argue that these have a negative impact on partnership policing, as some of these police officers are either alleged to be working with criminals or they have been found to be perpetrators, at times. When asked how the recruitment of a police officer should be conducted, the majority (96%) of the participants expressed the view (i.e. they strongly agreed) that recruitment should be done in consultation with community members who know the individual's behaviour in or attitude towards the community. These participants believe that most of the new recruits join the police due to unemployment and that they are not passionate about being police officers. As a result, they use official firearms to commit crimes once they are employed. According to one participant: *"This people were desperate for any job when they were recruited...Some of them do not have the passion for police work and that is why we have all kind of problems with these new police officers...If you know someone in the police, it is easy to become a police officer as well...What they should do is that, before recruitment, they must go to the village and the chief's place to make inquiries about the character of the person who want to join the police...They must conduct research about the person... Some join the police being criminals...We are disturbed to hear that even Captains are involved in criminal activities...A Captain is a high ranking officer who is supposed to be respected in society...We have just heard that a police man was arrested last month for house breaking and theft"*. Furthermore, participants indicated that selection should only be finalised after approval is given by the chief representing the community, once the conduct or attitude of the individual has been scrutinised: *"It must be compulsory for police management to first come and make inquiries in the village about the character of a person before even considering taking him/her in...They must also find out what kind of a family a person is coming from...The chief must write a recommendation letter agreeing that the person is fit and proper to become a police officer...Furthermore, they must ask community members about the character of the person. The community*

know every member in the village more than the chief...The community knows all criminals in their areas more than the chiefs because the chief have a lot of responsibilities...This is the process which must be followed before a person is recruited to become a police officer". The majority of the participants are of the view that extreme care should be taken when recruiting, selecting and training police officers. It appears that police corruption is largely committed by newly-appointed officers as well as mid-level officers. It appears that these suggestions are raised during meetings, however, there are allegations that communities are not involved in the recruitment and appointment of officers.

7.2.10 Meetings and communication

The majority of the study participants indicated that meetings are held regularly, however, some participants claim that they are not invited in these meetings, while 20.0% said they are often invited: *"There are various meetings which are held on different dates...Here in Malamulele we have a number of police stations...What happens is that, people organise a venue, which suit all participants in a particular area...This will either take place at the Tribal Office, police station...All stakeholders are invited to attend in such a venue...The next meeting is then arranged at a different venue, for instance in Hlanganani, making sure we alternate this venues, making sure that we assist other participants by shortening travelling distances to the venue".* The high number of participants who indicated that they are not invited to the meetings indicates that there is no proper communication channel between the police and other role players. It was further indicated that they receive invitation letters long after the meeting has taken place. In these meetings, vital information about crime is discussed and crime prevention plans or strategies are developed. The result is that decisions are often made without the input of important stakeholders. When asked about these meetings, the participants expressed frustration and disappointment regarding the disrespectful treatment they receive as partners in crime prevention in the area. From the participants' perceptions, as discussed in paragraph 5.2.10 of Chapter 5, it appears that there is a deterioration of communication and relationship between role players in the partnership, in the area under study: *"They used to invite me in these meetings...I am sure for three years...We used to attend their meetings, but they no longer invite me in their meetings...They only invite those who will always agree with them or "yes men" known in Xitsonga as [Xidyankuma]...Those people who will question decisions,*

like me, are no longer invited...As I have indicated, they used to invite us in the barracks, but not anymore...I told them that we did not attend their meeting for food, but the aim was to discuss matter of importance for the community". The objective of the question was to determine whether the communities are consulted and whether the police provide feedback to them on matters of safety and security. Furthermore, the majority of the participants indicated that they are willing to assist the police in dealing with crime; however, they feel undermined by the police at times. In addition, these participants believe that a communication strategy should be developed to build strong relationships in partnership policing. In this respect, communication is significant for the well-being of any partnership.

In contrast, another participant expressed a different view to that of the previous participant by stating that: *"Most traditional leaders they hold their Imbizos on Sundays...So, they invite us as police to go to their Imbizos...In order to coordinate with the community members and to highlight or sensitise them about the crime, that is happening in their respective places...And it's not in the Imbizos only. Even to the structures that the SAPS are heading...This is the partnership or the relationship with the community. I can mention about the CPF, Youth against Crime, Rural Safety...In all those structures we usually meet the communities and the traditional leaders or other stakeholders...Even the NGOs that we are working hand-in-gloves with them...So that we can check and see how we can assist each other in order to assist our community members and to reduce the crime...that is a problematic...in our areas. Eh! That is what I can say presently".*

The results indicate that 50.0% of the participants were of the opinion that the police station see to the logistical arrangements necessary for them to attend meetings, while 50.0% of the participants indicated that the police station does not make the logistical arrangements in order for them to attend meetings. This is a positive development, as it highlights the significance of decisions being taken only after proper consultation with role players. Most members of the executive committee of CPFs indicated that they always attend meetings organised by the police, and are well-informed about criminal activities in the area. They attribute the cordial relationship with the police to the trust they have in each other, which was developed over a long period of time. They also agree that relations were not good in the early 90s; however, through trial and error, they managed to convince other role players that together they will be able to identify

and solve crime in their area. The importance of communication in a partnership cannot be over-emphasised as it plays a significant role. Failure to communicate is a recipe for disaster in such a relationship.

Service delivery and resources is presented in the following section.

7.2.11 Service delivery and resources

In this theme, the researcher sought to investigate participants' perceptions of service delivery in the areas under study. During interviews, some of the participants expressed the view that service delivery has somewhat improved in comparison to the past. They indicated that police reaction times have also showed some improvement, however, rural communities appeared to experience some delays in police reaction time. This may be attributed to poor road infrastructure, as many of the roads leading to the villages are not tarred, and those that are tarred have potholes. As a result, it takes the police longer to reach these villages. The study findings regarding police response time/reaction time present various experiences, as illustrated below:

N =48 How long did the police take to respond to calls? (%)

| Response/Reaction | SAPS | Community | Traditional Leaders |
|--------------------------|-----------------|------------------|----------------------------|
| Targeted | 30-45 minutes | 20-30 minutes | 60 minutes |
| Baseline | 30-40 minutes | 60 minutes | 60 minutes |
| Actual response time | 60 minutes plus | 60 minutes plus | 120 minutes plus |

Figure 7.2: Response/Reaction time by police at Malamulele Police Station

In terms of Figure 7.2, above, the response rate that the police participants targeted was between 30 and 45 minutes. The members of the community who were interviewed indicated that they would be satisfied if the police arrived at the scene between 20 to 30 minutes after receiving a complaint. Traditional leaders indicated that 60 minutes would be better. Furthermore, 40% of the respondents who called the police indicated that it took the police approximately 30 minutes or more to respond to a complaint. In addition, the baseline indicated in Figure 7.2 would range from 30 to 60

minutes. The study revealed that the time it took the police to react to complaints is far below the baseline and targeted reaction times. As a result, the community and the traditional leadership expressed their disappointment and frustration. It follows that the community and traditional leadership would expect an explanation for the SAPS's failure to meet the agreed upon targets. Moreover, police management need to communicate with other role players and indicate how they plan to address these challenges going forward. This would amount to accountability on the side of the police, as accountability is part of partnership policing.

In an ideal situation, it would be expected that there is a patrol vehicle in the vicinity of the villages. However, the study established that insufficient resources such as vehicles is one of the challenges experienced in the partnership policing under study. The availability of vehicles would ensure that the police response/reaction time is shorter, thereby ensuring quality service delivery. As a result, the relationship between the various role players would improve. Of particular concern, in relation to the results presented in Figure 7.2, is the fact that most of the traditional leaders indicated that it sometimes takes more than 120 minutes for the police to respond. Some community participants indicated that sometimes the police do not even bother to answer their telephones; this apparently happens when a call is made during the change of shifts.

Furthermore, the community and traditional leadership participants also indicated that sometimes the police never attend to reported crime at all. As a result, community members are reported to take the law into their hands. In this regard, one participant commented: *"When people take the law in their hands they become the guilty ones...I appeal to community members to just arrest the suspects and hand them to the police and not to assault them...Even if we doubt whether justice will be done, we have no alternative...I have hope that, with the necessary procedures, justice will eventually prevail, and we will have peace and stability at the end...That is all I can say at this stage"*. Moreover, alleged suspects are often severely injured or even killed. By the time the police arrive, community members become the subject of investigation, which leads to strained relations between the police and the community. However, there are positive developments because participants from the community indicated that, if the suspect is apprehended, these suspects must not be assaulted, but must be handed over to the police. However, the community further expressed that suspects are

released on bail a day after being handed over by the community. The community indicated that these suspects threaten communities, and they in turn become victimised. When asked about police visibility in the village, one participant said: *“You only see police vans driving past here...I have just seen three passing by...We do not know where they are going...We always see these vans parked in shebeens...Community members are always told that there are no vehicles, but when you go to the police stations you find them parked...You can call the police telling them that there is crime in progress, but they will never come the whole day...If the crime involves a fire arm...people end up taking the law into their hands by killing a suspect”*. Moreover, participants explained that there are no police patrols in their villages. Participants claim that this is the reason most communities mobilise themselves in order to deal with criminal elements in their villages: *“There are no patrols here...They were supposed to at least come to the chiefs to inform me if there raids, for example, and tell us that when you see police vehicles in numbers, we are looking for suspects...There was a certain Commissioner of the police in the past, we do not know where he was coming from...This Commissioner told us that police blue lights must always be on when the police are patrolling. We could not understand that because when the criminals see such, they prepare themselves and no one can be arrested...We suspected that Commissioners to be colluding with criminals”*. This participant further expressed frustration at how some senior police members appear to be working with known criminals in their areas. The participant indicated that they know who the criminals are, however, some of them are afraid to provide information to the police for fear of victimization: *“Criminals will escape...What is happening is that, there are a lot of scrap yards in Giyani...There is all kinds of crime, such as cable theft and others, and that is why I said, they do not call us to their meetings anymore...We have solutions to this problems, but we are not given an opportunity to go to their meetings, instead they want us to go to their workshops...There is a difference between education and practical application of knowledge...In addition, a police officer is not necessarily more knowledgeable than other people”*. In contrast, one participant had this to say about service delivery and resources: *“On that question I can say, yes there are, well-equipped resources... Because there are members, there are vehicles...But, I cannot say there are lot of those vehicles because sometimes, on one or at one Satellite you will find sometimes there are members in one car...Some of them two members are on patrol on one vehicle... It means the other one is in the*

office or going to the other satellite station to assist...To say sometimes we want to certify documents, we have this problem, and they will contact those who are on patrol...To say attend this or come to the satellite to check this...Exactly yes...We assist each other...And sometimes we are directed by the CIO [Crime Investigating Officer] to say, which are the flash points? Sometimes it does not need to check the...The Crime Investigating Officers...Or lava va ku “analyzer”...those who analyse the crime every day to say, the problematic area is this...So, they direct the operational, and focus on that place...So, the CIO directs us to say now it is Malamulele Township who is having a problem...So, it’s the duty of the management of that station to say, even at Mlamula or Xigalo, if there is no problem on that place we can withdraw those members and the resources...To come and assist sector one at the location to reduce the crime that is troubling us on sector one at Section C”. It follows that some sections of the community, particularly those in the urban setting, believe that the police are doing their best to provide quality services to the community.

Another participant explained that the Cooperative Government, Human Settlement & Traditional Affairs (COGHSTA) office in the area does not have the required resources. As a result, it is impossible for it to provide quality services as expected: *“In this Satellite Office, we do not have a vehicle...We are unable to move around to check if all is in order...Another challenge is that we only receive complaints but unable to act on them because we do not have a vehicle...We administer and do all things, but complaints are only attended by Vhembe, Thulamela and Vhuvani personnel because they have resources and vehicles”.*

The participants’ views on transition from boyhood to manhood follow below.

7.2.12 Transition from boyhood to manhood

Most South Africans believe that traditional male circumcision is very important, and that it has individual as well as social benefits. In addition, there is a strong belief that only circumcised males qualify to be regarded as men, and are no longer boys. The discussion of this theme aims to present the perceptions that participants hold in this regard. During the interviews, it was established that one cannot afford not to go through the ritual, since an uncircumcised male is mocked and ridiculed within the community. This means that there is no choice for a male but to go to the traditional initiation school in order to be accepted as a man. The participants, i.e. the initiates)

indicated that they had to go to the initiation school because this marks their transition from being a boy child into manhood. Furthermore, the participants indicated that it is a very important part of their culture. In addition, these participants highlighted that uncircumcised males are prohibited from associating with circumcised men. According to many cultural groups in South Africa, boys are not in a position to assume responsibilities reserved for adults. As a result, an uncircumcised male is regarded not matured enough to take responsibility. In contrast, a circumcised man is considered more capable of making informed judgements, due to the training received during the traditional initiation school, regardless of his age. It is not clear how a boy could suddenly become a man in a short period of time; however, it is argued that the training received is sufficient to serve that purpose. At this stage, the boy is said to be responsible enough and is now entitled to marry and participate in other activities that are normally reserved for adults. As previously indicated, uncircumcised boys are mocked and rejected by the community. Furthermore, there is social pressure for boys to undergo circumcision. Failure to do so puts uncircumcised boys at risk of ostracism. When asked about the transition from boyhood to manhood, one participant said: *“I think, according to my opinion, it means, one, they teach us to be brave...And to have that...Perseverance, endurance...To say, that is why they say you are a man. You must have that perseverance...To have tolerance, acceptance, discipline, respect, you see...to listen to someone when he is talking...So, those are the issues that sometimes they mention, or they teach to the boys when they go to the initiation schools for boys...So, those aspects that I have mentioned, sometimes...some of them, when we come back from there, you have the dignity and the respect”*. It follows, then, that uncircumcised males are discriminated against and ridiculed in many ways; for instance, they are called Maxuvuri, which literally means “the uncircumcised one”, even when there is no reason to do so. The uncircumcised males are also not trusted with any serious responsibilities or tasks, while those who are circumcised are referred to as elders, regardless of their age. According to many African cultural groups, traditional circumcision is considered to be the only essential element in order to be accepted as a full member of society (Peltzer et al., 2008:3). When asked why they went for circumcision, the participants indicated that society expects all males to be traditionally circumcised because it is their culture. In addition, the participants highlighted that it is significant, as initiates are groomed to become responsible men. The participants also indicated that there are many benefits of undergoing traditional

circumcision; they mention the benefit of being allowed to participate in decision-making in the community, and in their own families. The change of their names is another benefit as this symbolises their transition from a boy into a man. Furthermore, they are now in a position to be consulted on every matter affecting the family and, as a result, their input is regarded as valuable. Moreover, they are now expected to be responsible as men, and to get married. One participant said: *“Uncircumcised males are not allowed to participate in community activities like traditional ceremonies or meetings. I am glad that now I will be able to attend these meetings because I am now a man...I will also be respected by the community”*. Ntombana (2009:2) is of the opinion that men are only allowed to participate in community meetings once they have been circumcised. In addition, circumcised males assume a status, which comes with new responsibilities. Vincent (2008:5) states that endurance is one of the qualities that initiates are taught while at the initiation school; he explains that endurance builds character traits such as patience, courage, resilience and strength. In addition, these character traits assist the initiates to withstand any adversities that they will experience in life (Vincent, 2008:5). The participants highlighted that endurance is one of the teachings they receive during traditional circumcision. As a result, there is a strict disciplinary code for initiates; special sticks [*Timbuti* in Xitsonga] are used to sanction or punish initiates for violation of the code. Referring to this sanction, one participant said: *“They took some certain small sticks, that they prepare...They say it’s the process of saying...eh! if you are saying...you made a mistake. They usually take it to punish you...To reprimand you to say don’t do this...They took it and put it between the fingers. And they press it...The head of the people who are at the initiation school for boys”*.

Another participant said: *“they taught us to endure harsh situations in preparation for the future...We were taught how a man should take care of his family and other responsibilities as a citizen”*. In addition, the participants related how they were taught to conduct themselves in their families and within the community in general. When asked whether they understood the lessons, which are often presented in a language that is foreign to most initiates, one participant said: *“I just crammed...Because some of the words, I did not know...To say or to understand what the meaning is...I’m just reciting to cram”*. Mhlahlo (2009:6) argues that a man should conduct himself as an adult. This means that when a boy is circumcised he should start behaving like a man.

In addition, he must get married and build his own family. The author further argues that a true man must not involve himself in anti-social behaviour. In support of Mhlahlo, Huitt (2004:1) emphasizes the importance of values and morals by arguing that these are codes we live by in a civil and just society.

From the above, it is evident that the majority of the participants highlighted the importance of traditional circumcision. According to the study participants, the status of being a man permits an initiate the responsibility to take care of their family, and to be accepted by the community. Gaya (2010:11) agrees that, during the initiation school, men are trained on how to care for their families; as a result, one is also expected to be in a position to provide for his household. According to the participants, the teachings that they receive from the traditional initiation schools empowered them and they will now be able to be responsible citizens and participate in the affairs of their communities.

Challenges during the traditional circumcision are presented in the following section.

7.2.13 Challenges during traditional circumcision

This theme presents some of the challenges experienced, primarily by initiates, during the traditional circumcision period. It is common to read about the most tragic and horrifying stories in the media. These life-threatening stories have had life-long consequences affected communities. As a result, the government should take a position or steps to ensure that those who practice the ritual do so within the bounds of the law. It follows that awareness campaigns to educate the general public would assist to prevent some of these injuries and the deaths of initiates. In addition, training workshops aimed at developing basic surgical skills, ahead of the circumcision season would, assist in dealing with any eventuality. However, it is difficult to foresee possible complications that initiates may experience in advance. As a result, all role players should work together to ensure the safety of initiates during and after the traditional circumcision.

Legislation regulating traditional circumcision would go a long way to assist in this respect. However, the existent laws are not being implemented and it seems that there

no willingness to enforce these laws. Research in South Africa indicates that effective implementation of the legislation regulating traditional male circumcision practices is difficult, despite this legislation being in place since 2001. Moreover, research shows that the complications related to traditional circumcisions have substantially increased, in some provinces, over recent years. For instance, research indicates that the Eastern Cape has a higher rate of complications and deaths of initiates than other provinces. While this study found a number of incidents of complications in Giyani and Malamulele, it is encouraging to note that no fatality has been reported in these areas. The findings were encouraging regarding the complication rates; this may be attributed to cooperation amongst all role players in Limpopo. It appears that illegal initiation schools, which are operated by inexperienced traditional surgeons, result in injuries to and the deaths of initiates. This is further complicated by the harsh and unhygienic environments in which these practices are conducted. When referring to the health conditions in one of the traditional circumcision schools visited during the study, one participant said: *“We requested disposable toilets before the start of the school. One representative from the Department of Health promised to deliver this toilet, but they were never delivered. We even have to organize donkey carts to bring water”*.

Moreover, some traditional circumcision operators have been found to have no form of training or experience. It was found that most of these traditional circumcision operators (i.e. surgeons) do this for economic reasons. They take advantage of the fact that the high income generated is much higher than the risk of being arrested and sentenced to serve time in jail. According to one participant, bogus traditional surgeons should be arrested and successful prosecution should be ensured. One participant from the National House of Traditional Leaders said: *“This practice remains the pride of our people; this is a proud moment of the House and the nation at large. This culture is very strong and must be protected”*. The participant urged parents to ensure that they take their children to registered traditional circumcision schools: *“We want to use this opportunity to welcome all our boys into the new world, the world of promise, and the world of pride, where manhood is to be instilled”*.

Being a traditional surgeon in Africa is believed to be a role handed down from generation to generation. Research shows that traditional circumcision used to be overseen by experienced and respected elders of a community. However, it appears

that this has since been hijacked by “chancers,” as mentioned by one participant. Reports of illegal traditional circumcisions, operated by inexperienced bogus traditional surgeons, appear to have increased in recent years, especially, in urban areas. This further contributes to complications because, traditionally, circumcisions are performed in a rural setting. As a result, uncircumcised individuals did not have access to these schools. Some argue that the accessibility of these schools to uncircumcised individuals contributes to the complications associated with traditional initiation schools. Dehydration was found to be among the causes of the complications associated with traditional circumcisions. Furthermore, injuries resulting from assault also emerged from the findings of this study. The situation is further aggravated by the initiates’ refusal to seek medical attention, as this is seen as a sign of weakness. Moreover, death following traditional circumcision is often regarded as a sign that the initiate was not meant to achieve manhood. From the preceding discussion, it is evident that all role players contribute towards ensuring that lives are saved while taking part in traditional circumcision practices.

7.3 SUMMARY

This chapter presented the findings by means of the emergent themes and subcategories. The relevant literature was used in support of the participants’ perceptions, in order to emphasise their views concerning these themes. In addition, the literature was used in support of each theme and its accompanying subcategories, in order to emphasise the significance of the identified themes. Furthermore, the significance and relevance of traditional circumcision schools in other African countries were also highlighted. This was done in order to draw attention to the significance of traditional circumcision for the African male. Moreover, the complications associated with traditional circumcisions, and the measures to be taken to minimise these, were explained so as to present a holistic interpretation of the findings.

It emerged that crime prevention may not necessarily be accomplished by the police, program, person or strategy. However, the police require various means of collaboration to address the challenges of crime within the communities they serve. Partnership policing is a valuable tool for the police and other role players, so as to use the available resources in their crime prevention efforts. There are no hard and fast rules for partnership policing. Research shows that there are a variety of

partnerships that can be effective; these range from formal, policy driven programs, to informal, community outreach initiatives.

CHAPTER 8: SUMMARY, CONCLUSIONS AND RECOMMENDATIONS

8.1 INTRODUCTION

The summary, findings and conclusions of the research are presented in this chapter, together with the recommendations based on the findings of the study. Moreover, in Chapters 6 and 7 various findings were presented based on the research questions, research aims and research objectives set out in Chapter 1 of the study. In this chapter, conclusions are drawn and suggestions for further research are put forward. The aim of this study was to explore the role of traditional leadership in partnership policing in the Giyani and Malamulele policing areas of the rural areas of Limpopo. The aim of the study was subdivided into four objectives: to investigate factors that hinder the effective participation of traditional leadership in partnership policing in the rural areas of Limpopo; to explore the extent of partnership policing in rural areas in Limpopo that are led by traditional leaders; to develop guidelines on how the involvement of traditional leadership in partnership policing can be improved; and to examine international best practices in terms of the roles of traditional leadership in partnership policing (see Chapter 1).

This study revealed various shortcomings of and challenges related to partnership policing, as identified in the rural areas of Limpopo. These shortcomings and challenges include a lack of, or little understanding of, partnership policing; factors that hinder effective partnership policing; partnership policing in rural areas; the role of traditional leadership in partnership policing; other stakeholders involved in partnership policing; perceptions of the relevance of traditional initiation schools; and awareness of the partnership policing approach.

8.2 SUMMARY

A general orientation, which commenced by introducing the significance of the research, that is, the role of traditional leadership in partnership policing, was presented in Chapter 1. A problem statement was then presented, so as to explain what the problem is and why it is important to conduct research related to said problem. This was followed by a discussion of the significance of the study, and an outline of the research aims and research objectives. Furthermore, research questions were presented in order to solicit answers to the research problem so as to identify and address the challenges and

shortcomings specifically related to the identified research problem. The demarcation of the field of study focused on specific geographic areas. These geographic areas were limited to the Giyani and Malamulele areas of Limpopo. Furthermore, the researcher defined the main concepts relevant to the study in order to ensure that readers can easily understand and follow the research. The research methodology employed in this study was then outlined, together with the various methods of data collection implemented in the study. Subsequently, the limitations of the study was discussed, followed by the details of the data analysis procedure to be followed. The ensuing discussion focussed on the following items relevant to this study: trustworthiness, credibility, prolonged engagement, transferability, dependability, confirmability, reliability and validity. A discussion of the ethical considerations taken into account in order to protect the welfare of respondents concluded the chapter.

Chapter 2 presented a comprehensive overview of the legislative framework governing traditional leadership in South Africa. Various policies and regulations pertaining to the governing of the institution of traditional leadership in South Africa were discussed herein. The Constitution of the Republic of South Africa and other legislation relevant to traditional leadership were the focus of this regulatory framework, and the discussion of these items was supported by literature relevant to the topic.

Chapter 3 presented an in-depth review of the literature on traditional leadership in Africa, in general. This comprehensive literature review of traditional leadership was then narrowed down to South Africa in particular. Traditional leadership in Ghana, Namibia, Botswana, Zimbabwe, and South Africa, during and after the colonial era, was further discussed comprehensively.

Chapter 4 of this study provided a holistic overview of traditional initiation schools so as to contextualise traditional customs, such as traditional male circumcision, specifically associated with policing and the perpetration of crime. The focus of this discussion was the Giyani and Malamulele policing areas of Limpopo, where such initiation schools were visited and non-participative observations were made. The participants' views, expressions and arguments were then analysed and, subsequently, categorised as themes and sub-themes for analysis and interpretation. A comprehensive literature review added to the richness of the data collected. The chapter concluded with a discussion of the relevance of traditional initiation schools in a democratic dispensation.

Chapter 5 provided an overview of partnership policing in the South African context, the regulatory framework on partnership policing, challenges of partnership policing as well as international best practices in partnership policing.

Chapter 6 constitutes a comprehensive discussion of the findings of the research as per the outcomes of the individual interviews, focus group interviews and the observations made by the researcher during non-participative observation. The resultant themes and sub-categories were developed in relation to the participants' perceptions, views and expressions during these interviews.

Chapter 7 presented the interpretation of the findings, resulting from the analysis put forward in Chapter 6. This interpretation was supported by the relevant literature, where necessary. The interpretation and analysis of the findings were further based on the emergent themes and sub-categories.

8.3 RECOMMENDATIONS

As a result of the findings in this study, the following measures are recommended:

8.3.1 Collaboration between culture custodians and other stakeholders

Some traditional leadership are of the view that there was insufficient consultation with regard to current regulations and legislation for traditional circumcisions. There are allegations, among certain communities, that government drafted these policies and regulations without consulting traditional leadership. As a result, these individuals would like to see government initiating a consultative forum. The custodians of traditional circumcisions believe that this forum will devise comprehensive policies, procedures and regulations to address most of the pressing issues related to these concerns. It is further believed that the forum will close that gaps that allow for bogus traditional leaders to take advantage of the situation, which results in injury to and the death of initiates. A dialogue of this nature would also assist to demystify and clear some misconceptions from the side of the government and the custodians of traditional circumcision. It appears there is little to no understanding of some issues related to traditional male circumcision. Furthermore, this consultative forum would assist stakeholders to jointly identify and address the problems associated with traditional circumcision in an inclusive and respectful way. In the meantime, innovative ways to deal with challenges should be developed while new policies, regulations and

procedures are developed. It follows that new national legislation should be developed to regulate initiation schools in the country.

The National House of Traditional Leaders, in consultation with communities and in line with constitutional rights, should determine an appropriate legal age of admission to initiation schools. During the interviews, it emerged that participants would like to be actively involved in all activities of partnership policing, however, some indicated that they felt ignored by the police and do not even get invited to meetings. Solutions that are reached by the team have a greater possibility of being implemented. In addition, the objective will enhance the efficiency and effectivity of service rendering.

There must be coordination and participation by all stakeholders in partnership policing and crime prevention. There is a need to intensify the policing of villages and previously neglected areas in order to significantly reduce crime. Task teams must be established to deal specifically with traditional initiation schools during the initiation season. Furthermore, there should be patrols of villages in conjunction with stakeholders such as CPF members and other role players. A police patrol should be in place to guard against legal violations by culprits responsible for assaults, restraints and any form of abuse targeting circumcision initiates. Unpredictable patrols have proved to be able effective as criminals are caught in the act (i.e. pro-active policing). The SAPS should intervene in order to root out criminality in initiation schools. The Criminal Justice System (CJS) must act decisively against perpetrators, and the police must attend to crime in initiation schools as soon as the crime is reported, without fear of favour.

A joint operation/crackdown by the police, traditional leaders, Department of Health and Department of Cooperative Governance should be established to ensure that unregistered initiation schools are closed. Furthermore, bogus traditional surgeons and others involved in operating illegal traditional initiation schools must be arrested and face the full might of the law. Traditional leaders should be tasked with policing the custom in the areas over which they preside.

8.3.2 Improve community-police relations

A joint effort by both the police and the community is required in order to identify and solve crime in the area (Mabunda, 2014:88). Moreover, stakeholders in the partnership

must ensure that there is transparency and continuous communication with each other. Furthermore, stakeholders must show a willingness to participate in police activities, while the police must take the lead in organising awareness campaigns due to the resources at their disposal. In addition, top management of the police should encourage “teamwork” within partnership policing. Clear objectives for teamwork will ensure the successful implementation of partnership policing, and they will direct stakeholders to the goals that need to be achieved; this will eliminate uncertainty. Furthermore, it is recommended that stakeholder relations should be enhanced through regular consultation on crime prevention initiatives. In addition, the relevant stakeholders should be identified in order to develop a stakeholder engagement plan or strategies [Multi-Stakeholder Partnership Policing].

8.3.3 Awareness programmes about partnership policing

It is the role of all stakeholders to educate and empower the community through the establishment of community outreach programmes. The management of the SAPS, in collaboration with the executive committee of the CPF, should intensify efforts to popularise partnership policing within the community. This can be done through the use of media, such as community radio stations, community meetings, pamphlets and newsletters. A communication strategy at the local level is an absolute necessity, and must be developed as a matter of urgency. Van der Walddt and Knipe (2002:4) define a strategy as a suitable plan or method to achieve the aims of an organisation. Moreover, communication and liaison officers should develop a communication plan to market partnership policing in the identified areas. This communication/marketing strategy and communication plan should be continuously reviewed to maintain effectiveness.

It is further recommended that the custodians of traditional circumcision and culture educate communities about the implications of, and dangers associated with, traditional circumcisions, as well as the benefits thereof. Communities must be encouraged to seek medical assistance when complications are reported, in order to avoid unnecessary deaths. Traditional leaders must ensure that they collaborate with health officials during the circumcision season. This will result in fewer cases of injuries and deaths in traditional initiation schools.

8.3.4 Collaboration, training and regulation

This study established there a number of challenges encountered by stakeholders in the partnership policing. This is attributable to the fact that there was no form of formal training to empower them; as a result, some were not sure how to assist the communities they lead to provide the services required by the community. Furthermore, this robs traditional leadership of meaningfully participating in partnership policing and other important functions within the community. Moreover, the lack of training results in unnecessary tensions between traditional leadership and democratically elected representatives, such as councillors. The researcher suggests that some kind of formal training be organised for traditional leaders in order to prepare them for the roles and responsibilities expected of them.

In addition, collaboration between stakeholders in relation to culture, customs, ethics, religion and values should be encouraged. This would be made possible through awareness programmes via community radio and media. It is important that all stakeholders be consulted before a decision to implement is undertaken. Currently, some traditional leaders complained that they are often not consulted when decisions are taken, but are only informed later. As a result, some traditional leaders feel that they are being undermined. It is therefore recommended that institutions of learning should be approached to assist in the design and development of training programmes for traditional leaders.

The partnerships amongst stakeholders should be strengthened in order to promote cooperative dialogue and joint operations for the benefit of communities. Resources for the partnerships should be sourced from all stakeholders, through mobilisation; this includes skills, knowledge, experiences and values.

Churches, schools, civil society and non-governmental organisations should form part of the partnership so as to ensure that all sectors of society are provided with the necessary services. There should also be a continuous sharing of information and feedback regarding the progress of particular projects. This will be made possible if an effective communication strategy is in place. It appears that there is an absence of experience and management capacity within partnership policing in the area. It follows

that the training of these individuals would ensure that initiates' lives safeguarded. The development of guidelines or curriculum to provide training on health aspects, in general, should be considered; this would result in the certification and accreditation of traditional surgeons and nurses, which would eventually reduce the number of bogus traditional circumcision schools. It is, therefore, also recommended that a Traditional Surgeons Association (TSA) be formed in order to ensure that traditional initiation schools are regulated. This would also ensure that only legal traditional initiation schools and traditional surgeons are allowed to practice the custom. As a result, it would lay the foundation for a safe traditional circumcision season. Training should include general hygiene procedures, infection control and referral systems in order to ensure that initiates who experience complications are referred to hospitals as soon as possible. Collaboration between the custodians of traditional circumcision and health professionals is therefore recommended. The study found that most of the complications are aggravated by the reluctance of traditional surgeons and their assistants to refer initiates who experience complications to health institutions. This often results in unnecessary deaths. The rationale behind training traditional surgeons and their assistants is not only to ensure the safety of initiates, but also to ensure that the traditional initiation practice is preserved. In this context, involving all role players in training would be significant; further, the level of literacy of traditional practitioners and their assistants should not play a role in selection and training. It is also important to evaluate or assess the type of education provided during and after traditional circumcision. This would ensure that initiates do not expose themselves to activities that would compromise their health, even after the traditional circumcision. There have been reports, in some areas, that new initiates were expected to engage in sexual activities while their wounds have not completely healed in order to prove that they are now men. It is thus recommended that teachings on health matters be incorporated into the teachings provided to initiates in the traditional circumcision schools. This would include training traditional surgeons that one instrument should only be used for one initiate. Currently, there is no evidence of a curriculum used in traditional circumcision schools.

Moreover, partnership policing should be prioritised in basic training programmes for new recruits in police colleges. All new stakeholders in partnership policing should also be inducted and continuously trained, so as to ensure meaningful participation. These

on-going training programmes will empower citizens in the art and practice of partnership policing. It emerged, in the analysis of the responses by the participants during the interviews, that participants did not receive proper training (both formal and informal) in partnership policing. It is recommended that all stakeholders receive training in crime prevention, traditional initiation, decision-making, problem solving and partnership policing philosophy and principles, amongst others. Knowledge in these aspects will assist them to understand their roles and responsibilities in partnership policing. In addition, they should be introduced to the policy, procedures and culture of the institution of traditional leadership. Continuous training in these aspects will ensure the success of partnership policing, as research indicates that people can perform only at the level at which they have been trained.

Workshops, seminars and programmes addressing a practical orientation to the implementation possibilities of partnership policing should be provided to all stakeholders in order to empower them. Management should ensure that the training and development programmes are sustained, and greater efforts should be made to ensure the success of these training programmes. Stakeholders should be trained to have the required skills and abilities to perform their functions and roles effectively.

The government has provided tips and procedures to assist initiates, families and traditional surgeons (Peltzer, Nqeketo, Petros & Kanta, 2008:3). This is what is expected from people who are involved in the process:

Young boys/initiates should: obtain permission from their parents, family or guardians; abstain from stewed tripe meat and alcohol; abstain from sexual intercourse close to the initiation month; respect their community, and respect people's assets.

Traditional surgeons should get the youths' minds ready in preparation for the circumcision, and instruct that they: abstain from sexual intercourse; abstain from drinking alcohol; be open for inspection by other men in order to ensure that there are no errors; and use clean, sterilised tools and blades. The chief/Inkosi should take on the following responsibilities: have information about boys who are about to attend an initiation school in their area; identify a place where special huts can be built for the boys; ensure that the surgeon and others involved do their work properly; counsel the boys before their initiation and speak to them at their graduation ceremony; rule on

initiation-related cases and deal with them at the initiation school; report problems to government; lead the initiation programmes in their area; and encourage the boys of each village to go to the initiation school in groups so that a boy can be appointed to be responsible for each hut (Peltzer et al., 2008:3).

These awareness programmes have the objective of ensuring that the proper procedures and processes are adhered to, before, during and after the traditional circumcision. Consequently, this will ensure that traditional surgeons perform circumcisions without exposing initiates to complications, and that they will avoid unnecessary deaths. It is also recommended that all stakeholders receive training in partnership policing, regardless of their involvement, in order to encourage everyone to participate in crime prevention initiatives.

8.3.5 Provision of sufficient resources

It was established, during interviews, that resources are exceptionally limited. It was further found that the role players do not have the required infrastructure (i.e. the logistics and administrative capacity) to enable them to fully participate in partnership policing activities. Considering such limitations, the implementation of programmes becomes difficult. Firstly, it is recommended that stakeholders who voluntarily participate in the partnership be offered some form of remuneration, or a stipend to assist them with transport (to meetings), stationery and telephone costs. Furthermore, these stakeholders should be adequately equipped and resourced so that they do not become a burden to their counterparts, particularly, the SAPS. Dependency will create an impression that these are not equal partners. It was established that the sustenance of partnerships, especially in the rural areas, depends largely on the availability of resources. For partnership policing to be effective, there is a need for support structures. Adequate resources will ensure that the partnership is effective, thereby improving the quality of services to communities. There is also a need for a paradigm shift amongst stakeholders, pertaining to the way they perceive each other, as a result of the past. Management should ensure that these perceptions are removed so that trust can be restored. It was further found that traditional leadership believe that they are undermined and neglected by the democratically elected leadership. This results in strained relations and has a negative impact on partnership policing in particular, and service delivery in general. It should be noted that relationships do not just happen,

but are created through cooperation, communication and respect. It was further found that the majority of the traditional leaders and the community members are willing to support the police in crime prevention. However, some feel that their contribution is not taken seriously by some police members, especially low ranking officers.

It is recommended that funds should be made available so that measures to ensure the safety of initiates are taken speedily, when required. It is further recommended that vehicles and other resources be managed and evenly distributed to ensure equitable service delivery, even in the rural areas.

The analysis of the responses by participants indicates that there are insufficient personnel assigned to police rural areas, that is, villages. The leadership of the SAPS in Giyani and Malamulele should allocate members in the villages to ensure uninterrupted service delivery. Management should ensure that satellite police stations are allocated sufficient numbers for quality service delivery. In spite of the challenges faced by satellite police stations in rural areas, the personnel appear to be positive and satisfied with the way in which partnership policing is implemented.

The policy on the allocation of two vehicles to patrol and attend to calls should be reviewed in order to achieve satisfactory response rates. The review of the policy should also take into account the aging fleet and the unimpressive turnaround time at the SAPS garage. Local Government must provide the necessary infrastructure for initiation schools, including access to land, clean water, sanitation, etc. The Department of Social Development should make provision for poorer families by subsidising those initiates who cannot afford the fees charged by some initiation schools. The Department of Social Development should encourage and support the acceptance of people with disabilities in initiation schools. From the preceding recommendations, the frustrations and disappointments expressed by participants would be addressed; consequently, the partnership will be implemented effectively.

8.3.6 Strengthening systems for traditional male circumcision

Traditional leaders, the police and health professionals play a significant role in ensuring that traditional initiation schools operate in a safe environment. When these role players collaborate, there will be fewer injuries to and unnecessary deaths of initiates. Traditional leaders will ensure that respected and experienced traditional

surgeons perform safe operations. The role of the police is to ensure that there is law and order. Professional doctors and nurses also ensure that health challenges are attended to as the need arises. It was established, during interviews, that some participants are against traditional circumcisions, while others prefer traditional circumcision. It is therefore recommended that medical male circumcision services and benefits be considered and promoted by government; this would result in improved safety. Consequently, medical male circumcision provides affordable, accessible and safe circumcision in comparison to traditional circumcision schools. Medical male circumcision is an alternative to traditional circumcision, however, peer pressure causes young males to be coerced into being traditionally circumcised in order to avoid mockery or ridicule by their peers. Parents and citizens should be educated regarding medical male circumcision in order to be able to make an informed decision.

Moreover, it is recommended that more research be conducted to gather information about the challenges associated with traditional circumcision; this may include age, details of traditional surgeons and nurses, and complications, amongst others. This information will assist in preventing similar challenges going forward. There is also a need to create a database of registered traditional surgeons and their assistants. It would then be possible to identify bogus traditional surgeons and their illegal circumcision schools. Furthermore, it will be possible to assign the task of circumcising initiates, which will in turn save lives. Consequently, monitoring the activities of these traditional circumcision schools will be made possible.

8.3.7 Monitoring and evaluation

Traditional leaders as the custodians of traditional initiation schools and customs have a responsibility to monitor compliance with rules and regulations in order to ensure that the lives of initiates are protected. The appropriate steps should be taken to remedy actions, where necessary. Traditional surgeons and nurses should be held individually accountable for their actions or omissions. The continuous monitoring and evaluation of traditional initiation will ensure that problems are identified and addressed much quicker than they currently are. Traditional leaders should ensure that illegal initiation schools are closed down, and that individuals caught operating illegal traditional initiation schools are arrested and prosecuted. Communities and civil society groups must monitor what is taking place in these traditional initiation schools. It is

recommended that government provides the necessary resources to stakeholders during the initiation season. Public health practitioners should work together with traditional practitioners to prevent circumcision-related health problems. These medical practitioners must have been traditionally circumcised themselves in order to avoid concerns, by traditional leadership, that the custom has been compromised by allowing uncircumcised persons into the initiation schools. Furthermore, the appointment of socially accepted, trained and experienced traditional practitioners and circumcision peer educators to take responsibility and custody of circumcision initiates in the initiation school is recommended.

Preventive programmes aimed at achieving behavioural and environmental objectives, and which primarily target boys at schools and traditional practitioners, based on community needs, should be designed. All relevant stakeholders, including parents, should play a meaningful role in protecting the children and affording them good shelter whilst in the initiation schools. Policy makers should build and proclaim policy statements, for example, that obligate traditional practitioners to allow initiates to drink fluids, clean water and consume nutritious food, according to the basic principles of nutrition and the minimization of harm.

Traditional leaders must ensure that protocol is followed before granting permission to start a traditional initiation school. Protocol is no longer followed and traditional leaders seem to be indifferent. An initiation school not known to the chief should be regarded as illegal. It is further recommended that initiates register to attend initiation schools, with the consent of parents or guardians. Candidates' health must be checked before they are admitted into initiation schools. The length of school holidays should consider the initiation season.

8.3.8 Clarity on roles and responsibilities

From the participants' responses to the interview questions, it became evident that not all stakeholders understand their role or support partnership policing. As a result, it is recommended that all stakeholders in partnership policing be re-trained in order to assist them in understanding their roles and responsibilities. This will prevent the overstepping of boundaries and avoid interference in each other's responsibilities. A clear mandate will make all stakeholders aware of the guidelines, policies, regulations and legislation relevant to their situation. In this way, there will be quality service

delivery and sound relations amongst stakeholders. Furthermore, it is recommended that workshops on traditional male circumcision be conducted in order to address the challenges associated with traditional circumcisions. This will enable traditional surgeons to perform traditional circumcisions properly, and without exposing initiates to complications that arise from botched circumcisions; it will also help to avoid unnecessary deaths. It is therefore recommended that areas that are not experiencing difficulties related to traditional circumcision should share their best practices with those that have flaws each circumcision season.

Based on the findings of this study, a Multi-Stakeholder Partnership Policing Strategy (MSPPS) was developed [Figure 8.1]. The effectiveness of the strategy requires the following: resources, knowledge management, joint identification and resolving of problems, Effective communication strategy, judicial processes, and the prevention of crime during the traditional initiation season in South Africa. It is envisaged that the findings of this study could be used to: (a) foster relations between role players; (b) understand traditional customs in relation to the rule of law; (c) create educational material, or design strategies for future improvement and intervention systems; (d) assist the SAPS and other relevant stakeholders in providing better services; and (e) inform further policies relating to the role of traditional leadership in partnership policing in the democratic dispensation in South Africa.

8.4 Multi-Stakeholder Partnership Policing Strategy (MSPPS)

In order to ensure that the MSPPS is effective, stakeholders should have a clear understanding of their roles. This will ensure that all parties are able to reach the objectives of the partnership. Moreover, all parties in the partnership should be treated equally; this means that no party should dictate the terms and/or conditions of the partnership. All partners should adopt a style of negotiation that accommodates differences in both culture and interest. Beisheim and Liese (2014:1) posit that multi-stakeholder partnerships should be designed in such a manner that they positively affect the intended objective. Figure 8.1, below, illustrates how various role players can collaborate to ensure the effective implementation of partnership policing. The strategy also proposes the roles and responsibilities of each partner. The strategy empowers and encourages partners to be actively involved, from the planning of operations to their execution. In addition, it emphasises the fact that all partners are equal, which will

eventually result in quality service delivery and a good working relationship. In order to successfully implement partnership policing, continuous communication is encouraged.

The strategy should involve key stakeholders, including traditional leadership as one of the primary pillars to enhance the role of traditional leaders in partnership policing. Input for the formulation/development of the framework should be obtained from stakeholders in order to facilitate commitment and buy-in. A good strategy means nothing unless it is effectively implemented and achieves its stated objectives. All role players in partnership policing have a responsibility to ensure that the MSPPS is implemented effectively. COGHSTA is an umbrella structure representing stakeholders such as the House of Traditional Leadership and the Department of Traditional Affairs. Other stakeholders include the SAPS, Traditional Leadership, Community Police Forum and NGOs. In terms of the strategy, stakeholders should function as follows:

Traditional Leadership (TL) should work hand in hand with health professionals and law enforcement agencies to ensure that initiates are healthy at all times, and are not subjected to crimes generally associated with cultural initiation practices. They should also ensure that all traditional initiation schools are registered. In addition, traditional leadership should be accountable for all activities in and around initiation schools. They are known to be the custodians of tradition and custom; this places them in a better position to monitor and analyse the situation in respect of initiation and other community matters. They should analyse problems and report these to the relevant authorities.

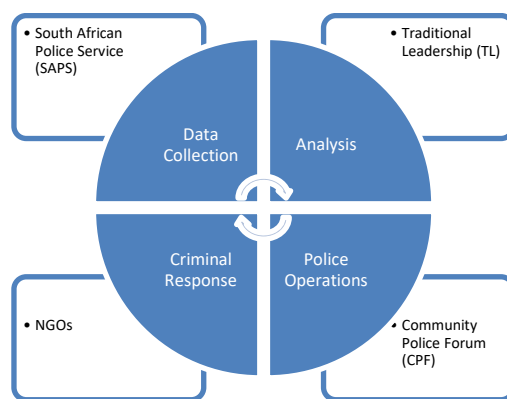
South African Police Services (SAPS) should establish a unit to deal with circumcision schools-related crimes (Circumcision School Policing Unit - CSPU). As a requirement, all members serving in this unit must have graduated from the traditional initiation school. SAPS members must attend to all reported complaints, arrest suspects and ensure prosecution. Furthermore, they must educate traditional leaders about crimes such as kidnapping, abduction and assault. The police have a responsibility to collect data and enforce the law, if required, in accordance with the law.

Community Police Forum (CPF) members must mobilise communities against crime; arrange meetings and provide feedback to communities. They must also liaise with the House of Traditional Leadership and other stakeholders. CPF members must also be involved in police operations so as to avoid being on the wrong side of the law.

NGOs include faith-based formations that may also play an oversight role in partnership policing. They should be in a position to participate in the criminal justice system to ensure that justice is served.

These stakeholders should be able to pool their resources together in order to address crime in the area. In addition, these stakeholders should ensure that an environment based on trust, respect and honesty is created.

Figure 8.1 Multi-Stakeholder Partnership Policing Strategy (MSPPS)



Source: Researcher

Effective partnership policing requires a good implementation strategy. All hindrances to communication should be identified immediately and addressed as they arise. There should be a two-way communication process. Management should communicate down to the lowest level, and should not always expect a bottom-up approach. Meetings with stakeholders should be held continuously in order to communicate and provide feedback, as well as to deliver progress reports regarding partnership policing in the area. The leadership of the SAPS in Giyani and Malamulele should put measures in place to ensure that the cellular phones at the satellite police stations are functional at all times. The management of the SAPS should visit these remote police stations at least once a week to ensure that peace and security are maintained. It is recommended that training is provided for traditional

surgeons and other stakeholders. Initiates with medical complications should be referred to a hospital as soon as possible. Traditional surgeons should ensure that they use sterilised surgical instruments on each initiate. Table 8.1, below, illustrates the fact that role players should check whether traditional surgeons operating traditional initiation schools are registered with the House of Traditional Leaders. Any illegal traditional surgeon or school must be reported to the relevant authorities. Communities are also encouraged to seek the assistance, if required, and there must be a hotline number where they can do so anonymously. Furthermore, it is the responsibility of parents to ensure that they enrol their children in a registered traditional school. In the event of children being abducted and taken to illegal traditional initiation schools, community members must report these incidents to the police, and seek legal assistance.

Table 8.2: Initiation Watch

| REGISTERED? Check if your surgeon is registered | |
|---|---|
| REPORT Report illegal surgeon or initiation school | GET HELP Hotline for initiates in trouble |
| FIND Find your nearest surgeon or initiation school | GET LEGAL Do you want to register as a surgeon? |

Source: Researcher

8.5 Suggestions for further research

The findings of this study are based on the participation of stakeholders within the selected policing areas, that is, Giyani and Malamulele. It stands to reason that circumstances in other areas may be unique and differ from those explored in this study. The challenges associated with partnership policing may depend on the following variables: police areas, stakeholder relations, demographics and the availability of resources. Comparative analyses targeting these ‘variables’ (police areas, stakeholder) could reveal certain challenges, but also point out possible best practices. This may also outline further steps to improve participation within CPFs.

8.6 CONCLUSION

This chapter summarised Chapter 1 to Chapter 7, after which recommendations were made regarding the role of traditional leadership in partnership policing. Stakeholders could benefit from the recommendations put forward here, if implemented effectively. In addition, relations among stakeholders will be improved, the effective and efficient implementation of partnership policing will be ensured, and it will facilitate a more influential role for traditional leaders in partnership policing. This study revealed that the police in Giyani and Malamulele are not in a position to sufficiently address crime associated with cultural practices, such as male circumcision, without engaging in a collaborative partnership with traditional leadership. Community members require the services of the SAPS, as provided for in the Constitution of the Republic of South Africa. Furthermore, it was revealed that traditional leaders need to understand their roles and responsibilities in order to meaningfully participate in partnership policing. This requires continuous learning, particularly from traditional leaders, but also from the other stakeholders in the partnership.

The study has revealed some key problem areas that affect the role of traditional leadership in partnership policing in the Giyani and Malamulele policing areas. The institution of traditional leadership, as well as their roles and responsibilities, is recognised in Chapter 12 [section 211 and 212] of the Constitution of South Africa. Section 152 (1) (d) of the Constitution of South Africa, 1996 requires participation of traditional leaders in the promotion of service delivery, which will add value in redressing service delivery inequalities and imbalances in South Africa. This means that traditional leaders and councillors should find a way to resolve their differences in order to jointly provide services to communities. The SAPS is well positioned to initiate and maintain this approach by bringing together all the relevant role players needed for effective partnership policing. This is due to the fact that they have the means and resources to ensure that crime is addressed at the local level, and that members are trained to do so. Subsequently, there is no reason why the SAPS should struggle in isolation. The establishment of partnership policing, through mutual agreement, will allow for the sharing of information amongst stakeholders. The National Development Plan (NDP) makes clear that citizens and the police should initiate, or at least coordinate, crime prevention activities. The National Development Plan, Vision 2030

in particular, as well as the 1996 Constitution of the Republic of South Africa make provision for the police and communities to establish partnerships aimed at addressing problems related to crime in their areas.

To give practical impetus to the philosophy underlying partnership policing, it is necessary to create mechanisms in which police and the community can co-operate in a partnership in order to help solve complex cultural and social crime-related problems. For this purpose, CPFs have been established, based on the premise that public participation is essential for effective partnership policing. In respect of the identified research problem, research aim and research objectives, this study contributed to an improved understanding of the role of traditional leadership in partnership policing by developing a MSPP strategy, and reporting on the findings of an empirical investigation conducted at Giyani and Malamulele. In this regard, the formulation of a partnership policing strategy should ensure that the community and the police harmonise and sustain their relationship. Such a strategy could empower both the community and the police. In this way, these important stakeholders can co-operate to create a safer environment and reduce crime.

In addition to addressing the identified research aim and objectives of the study, this research also addressed the following:

- How best could injuries to and the deaths of initiates in initiation schools be prevented?
- What could the impact be if the recommendations in this research are implemented?
- What could the impact be if traditional initiation schools take place in a healthy environment with professionally trained traditional surgeons, and their staff members?
- Could the promotion of indigenous African tradition/culture (e.g. traditional initiation school) encourage boys to become responsible men in society?
- Could the participation of multi-stakeholders in traditional initiation schools reduce injuries to and deaths of initiates in South Africa?

This study is important since the role of traditional leadership in partnership policing is outlined. Consequently, the emergent themes allowed for a discussion of the various

roles of stakeholders, with particular reference to traditional leaders, as well as their associated shortcomings and challenges. It is hoped that cooperation amongst stakeholders, including traditional leaders, will result in improved partnership policing and a subsequent decline in crime, with improved safety and security. Thus, there is a need for further empirical investigation into the role of traditional leaders in partnership policing, as well as the successes and/or failures thereof in other rural areas where traditional cultural practices are practiced. More studies could also be conducted to find out how survivors of traditional circumcisions, and their families, are affected. Finally, the relevance/irrelevance of traditional circumcision in the modern or democratic dispensation in South Africa may also be researched.

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ANNEXURE A: INTERVIEW GUIDE/SCHEDULE

1. Are you familiar with the term “partnership policing”?
2. If affirmative, what is your understanding of partnership policing?
3. In your opinion, is partnership policing important for effective crime prevention in the rural areas of Limpopo?
4. From your experience, is partnership policing efficiently implemented in rural areas characterised by traditional customs, such as Limpopo?
5. In your opinion, does traditional leadership play a role in partnership policing in the rural areas of Limpopo?
6. According to you, how can traditional leadership play a more significant role in partnership policing in the rural areas of Limpopo?
7. In your opinion, what are the factors that hinder effective partnership policing in the rural areas in Limpopo that are led by traditional leadership?
8. From your experience, to what extent does partnership policing play a role in rural areas in Limpopo that are led by traditional leaders?
9. In your opinion, has the SA government managed to efficiently integrate the traditional leadership institution in partnership policing in the rural areas of Limpopo?
10. How can a more meaningful and dynamic relationship be engendered between traditional leadership and the relevant role players in partnership policing in Limpopo?
11. In your opinion, how can the involvement of traditional leadership in partnership policing be improved in the rural areas in Limpopo that are led by traditional leadership?
12. Do you regard incidents such as the assault, rape, abduction, extortion and deaths of initiates that take place at initiation schools as crimes?
13. According to you, are such incidents/crimes reported to the police?
14. Do police officials have access to initiation schools where such incidents/crimes have taken place?
15. In your opinion, does the practicing of traditional customs give rise to increased crime?
16. Do all traditional leaders attend community police forum meetings as expected?

17. What do you think could be done to ensure full attendance?
18. Do you think traditional leaders understand their roles in terms of partnership policing?
19. If not, what do you think could be done to assist them to do so?
20. Do the police involve traditional leaders in policing matters in the area?
21. How would you describe the relationship between traditional leaders and the local police in the area?

ANNEXURE B : AUTHORITY TO CONDUCT RESEARCH [SAPS]

SUID-AFRIKAANSE POLISIEDIENS



SOUTH AFRICAN POLICE SERVICE

SAP 21


| | |
|------------------------|--------------------|
| Verwysing Reference | 2/172/100/2016 |
| Naam Name | Bruadler Nalder |
| Grader Rank | Major Montano |
| Telefoon Telephone | 015 290 6090/ 6092 |
| Telefoon Fax number | 015 230 1025 |

PROVINCIAL COMMISSIONER
SOUTH AFRICAN POLICE SERVICE
POLOKWANE
LIMPOPO

- A. Mr DQ Mabunda
Department of Police Practice
University of South Africa
Pretoria
- B. The Cluster Commander
Giyani
South African Police Service
Limpopo Province

AUTHORITY TO CONDUCT RESEARCH: AN ANALYSIS OF THE ROLE OF TRADITIONAL LEADERSHIP IN PARTNERSHIP POLICING: DOCTORATE; UNISA; RESEARCHER: DQ MABUNDA

- A.1. Your authority to conduct research on analysis of the role of traditional leadership in partnership policing is herewith granted.
2. The researcher should take care of the following:
- The research will be conducted at your own cost.
 - The research will be conducted without any disruption of the duties of personnel.
 - The information will at all times be treated strictly confidential.
 - Participation in the interviews must be on a voluntary basis.
 - You are expected to donate an annotated copy of the research work to the service.
- B.1 Copy for your information.
2. The researcher has been granted the authority to conduct research on the above mentioned topic, and you are therefore requested to assist the researcher where it is possible.
3. Hoping you will find everything in order.


LIEUTENANT GENERAL
PROVINCIAL COMMISSIONER
LIMPOPO PROVINCE
SF MASEMOLA

DATE 2016-02-22

ANNEXURE C: APPROVAL LETTER [COGHSTA]



LIMPOPO
PROVINCIAL GOVERNMENT
REPUBLIC OF SOUTH AFRICA

DEPARTMENT OF
CO-OPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS & TRADITIONAL AFFAIRS

Reference no. : CH 1/4/1/P

Enquiries : Mr. Mulaudzi N.D.

Ext no : 015 284 5014/5015

MEMORANDUM

TO : THE HEAD OF DEPARTMENT

FROM : DIRECTOR: RESEARCH AND POLICY COORDINATION

DATE : 21 APRIL 2016

SUBJECT : Request for the approval of research application in the Department

1. Purpose

To request HOD to approve an application to conduct research in the Department for academic purposes in respect of Mr. Mabunda Dumisani Quiet, A Doctoral candidate at the University of South Africa.

2. Background

Research and Policy Co-ordination SBU received an application from the University of South Africa, Doctoral candidate to conduct research in the Department. The title of the research paper is as follows. "An analysis of the role of traditional leadership in partnership policing".

3. Motivation

The study, if sanctioned, will contribute immensely to the body of knowledge in respect to the possibility of current public sector procurement legislation inversely affecting service delivery mechanisms . Due to the urgency of the application, the SBU, Research and Policy Co-ordination, considered and recommended the approval of the application. The SBU will report to the Departmental Research Committee meeting in due course. The student undertakes to utilize data collected from the department through questionnaires for purely academic purposes and upon completion of the study, the student will favour the department with the copy of the thesis.


See a copy of application from the student as attached.

4. Financial Implications

The research study by the applicant will bear no cost to the Department.

5. Recommendations

It is against the backdrop of the afore-mentioned that the Research and Policy Co-ordination SBU recommends for the approval of the application to collect data, or conduct research in the department by the student.


.....
DIRECTOR: RESEARCH AND POLICY


25-05-16
.....
DATE

Recommendations

It is against the backdrop of the afore-mentioned that the Research and Policy Co-ordination SBU recommends for the approval of the application to collect data, or conduct research in the department by the student.

COMMENTS

Supported



CHAIRPERSON: RESEARCH COMMITTEE

05/05/2016

DATE

COMMENTS



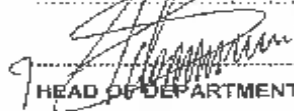
ACTING DEPUTY DIRECTOR-GENERAL:
CORPORATE SERVICES

2016/04/26

DATE

APPROVAL/DISAPPROVAL

Approved



HEAD OF DEPARTMENT

2016/04/26

DATE

ANNEXURE D: APPLICATION TO CONDUCT RESEARCH [COGHSTA]

4/11/2016
13:01

UNISA

MIR DQ MABUNDA
DEPARTMENT OF POLICE PRACTICE
TEL: 127 (0) 12 432 5467/083 521 1232 & 011 427 (0) 656 642 2220
E-MAIL: mabunda@unisa.ac.za

2016-01-17

Department of Cooperative Government and Traditional Affairs
Private Bag X9485
Polokwane
0700

APPLICATION TO CONDUCT RESEARCH: POSTGRADUATE STUDY (PHD DEJIT ET MHL POLICE SCIENCE): 90177963 MIR DQ MABUNDA: UNIVERSITY OF SOUTH AFRICA: DEPARTMENT OF POLICE PRACTICE PRETORIA

Dear Sir/Madam

1. Request is hereby made for permission to conduct research in Limpopo. The research will focus in the Makhalele and Giyani policing areas (Limpopo). The title of the research project is: **AN ANALYSIS OF THE ROLE OF TRADITIONAL LEADERSHIP IN PARTNERSHIP POLICING.**
2. The objective of this research is to:
 - > To investigate factors that hinders the effective participation of traditional leadership in partnership policing.
 - > To explore the extent of partnership policing in rural areas in Limpopo that are led by traditional leaders.
 - > To develop guidelines on how the involvement of traditional leadership in partnership policing can be improved.
 - > To examine international best practices with regard to roles of traditional leadership in partnership policing.
3. The research study shall make use of interviews with key selected participants in the Giyani and Makhalele areas. The potential participants will include three traditional gatekeepers i.e. Chiefs, Indunas and Head men, leaders in the initiation schools, CPM representatives and one representative from the Department of Cooperative Government and Traditional Affairs.
4. The study will be beneficial for both the Traditional Leadership and the SAPS as the results and recommendations will assist understanding the role of traditional leadership in partnership policing.
5. I shall carry out the study in strict accordance with approved proposal and Research Ethics Policy of Unisa. The information obtained will be used only for research purpose and will ensure anonymity and confidentiality of potential research participants.
6. I therefore request the granting of permission to interview and collect the necessary information from the participants.
7. Hope this application will meet your favourable response.

1

Regards,


Mr DQ. Matunda- 90177983

Date: 2016-01-12

ANNEXURE E: APPLICATION TO CONDUCT RESEARCH [SAPS]



Mr DQ Mabunda
DEPARTMENT OF POLICE PRACTICE
Tel: +27 (0)12 433 9457/083 522 1292 Fax: +27 (0)85 642 2210
Email: dmabunda@unisa.ac.za

2015 12-21

- A. The National Commander
Strategic Management
Gauteng
- Ts. The Provincial Commander
Strategic Management
Limpopo

APPLICATION TO CONDUCT RESEARCH: POSTGRADUATE STUDY: 90177983 MR DQ MABUNDA: UNIVERSITY OF SOUTH AFRICA: DEPARTMENT OF POLICE PRACTICE PRETORIA

Dear Sir/Madam

1. Request is hereby made for permission to conduct research in Limpopo. The research will focus in the Malamulele and Glyani policing areas (Limpopo). The title of the research project is: **AN ANALYSIS OF THE ROLE OF TRADITIONAL LEADERSHIP IN PARTNERSHIP POLICING.**
2. I have initially compiled a research proposal and a large body of literature with regard to the role of traditional leadership. As a result, Community Police Forum (CPF), Traditional leadership and members of the SAPS will be used as the target population in focus group interviews.
3. The study is a continuation of my previous study (Master's Degree: **The Challenges in Establishing Partnership Policing in Soshanguye.**
4. I have made contact with relevant role players (traditional leadership) and they are optimistic.
3. The ethical considerations of the UNISA Research Policy will be adhered to when conducting the research. The research objectives/findings may help inform SAPS policies and operational interventions in future, especially in crime prevention
5. I hope this application will meet your favourable response.

Regards

Mr DQ Mabunda: 90177983

Date 2015/12/21

ANNEXURE F: ETHICAL CLEARANCE



COLLEGE OF LAW RESEARCH ETHICS REVIEW COMMITTEE

Date: 2016/06/02

Reference: ST 27

Applicant: D.Q. Mabunda

Dear D.Q. Mabunda
(Supervisor: Prof J van Graan)

DECISION: ETHICS APPROVAL

| | |
|---------------|---|
| Name | D.Q. Mabunda |
| Proposal | An analysis of the role of traditional leadership in partnership policing |
| Qualification | D Litt et Phil Police Science |

Thank you for the application for research ethics clearance by the College of Law Research Ethics Review Committee for the above mentioned research. **Final approval is granted.**

The application was reviewed in compliance with the Unisa Policy on Research Ethics.

The proposed research may now commence with the proviso that:

1. *The researcher will ensure that the research project adheres to the values and principles expressed in the Unisa Policy on Research Ethics which can be found at the following website:*

http://www.unisa.ac.za/cnaps/staff/contents/departments/res_politics/docs/Policy_Research%20Ethics_rev%20app%20Council_22.06.2012.pdf
2. *Any adverse circumstances arising in the undertaking of the research project that is relevant to the ethicality of the study, as well as changes in the methodology, should be communicated in writing to the College of Law Ethical Review Committee.*



Open Route

University of South Africa
Pretorius Street, Muckleneuk Ridge, City of Tshwane
PO Box 392, Unet, 0002, South Africa
UNISA 1996/04/27/00000000

ANNEXURE G: INFORMED CONSENT FORM

INFORMED CONSENT FORM

AN ANALYSIS OF THE ROLE OF TRADITIONAL LEADERSHIP IN PARTNERSHIP POLICING

Thank you for agreeing to participate in this study.

The aim of this study is:

To explore the role of traditional leadership in partnership policing in SA, particularly in Limpopo province.

The objectives of this study are:

- To investigate factors that hinder the effective participation of traditional leadership in partnership policing.
- To explore the extent of partnership policing in rural areas in Limpopo that are led by traditional leaders.
- To develop guidelines on how the involvement of traditional leadership in partnership policing can be improved.
- To examine international best practices with regard to the roles of traditional leadership in partnership policing.

The research could have the following benefits:

This research could potentially identify areas of non-compliance with and ignorance of the law, and the Constitution, as well as analysing the role that traditional leadership can play in partnership policing in Limpopo. Non-compliance with and ignorance of the law by traditional leadership due to traditional customs pose a risk not only to human rights, but also threaten the existence of traditional customs if not addressed. Furthermore, the capacity of traditional leadership could be enhanced so that they can play a meaningful role in strengthening democracy and the rule of law in SA. This study will further attempt to investigate whether, in light of South African history regarding traditional leadership and the judicial system, partnerships in policing can be effectively implemented. This study is significant since the researcher is of the opinion that it will be able to identify the underlying problems, inhibiting factors and other challenges in the implementation of effective partnership policing. It is

expected to generate solutions to crime-related problems, for effective crime prevention. The study will be used to develop a multi-organisational coordinating mechanism that can be used to advise the Provincial Commissioners and identify best practices, with a view to benchmarking throughout SA.

Selection of participants:

The population for this study encompasses all the various traditional tribes in Limpopo who practice traditional customs, such as initiation schools and Ukuthwala. Limpopo expands over a vast geographical area and includes a range of different tribes who practice traditional customs. As a result, the researcher will revert to a target population due to Limpopo's large geographical area and the numerous traditional tribes in the province. The target population in this study will include traditional tribes who practice traditional customs in the Giyani and Malamulele districts of Limpopo.

Four sub-groups will be purposively sampled for participation in this study. The first sample will include three traditional gatekeepers i.e. Chiefs, Indunas and Headmen attached to the Tsonga, Venda and Pedi tribes in the Giyani and Malamulele districts of Limpopo. Leaders in the initiation schools, community members and provincial authority representatives will be identified for interviews.

The second sample will include two SAPS representatives i.e. the Head of the Crime Prevention Division in Limpopo and the SAPS Communication spokesperson in the province. The third sample will be solicited from the Community Police Forum (CPF) in the three identified areas in the Giyani and Malamulele districts. The fourth sample will include one representative from the Department of Community Safety and Liaison in Limpopo as well as one representative from the Department of Cooperative Government and Traditional Affairs in Limpopo.

The data collection methods that will be used include:

- In-depth interviews

I will conduct in-depth interviews with traditional leadership i.e. Chiefs, Indunas and Headmen attached to the Tsonga, Venda and Pedi tribes in the Giyani and Malamulele districts in Limpopo, two SAPS representatives i.e. the Head of Crime prevention in Limpopo and the

SAPS Communication spokesperson in the province, one representative from the Department of Community Safety and Liaison in Limpopo as well as one representative from the Department of Cooperative Government and Traditional Affairs in Limpopo. Key persons such as Chiefs, Indunas and Headmen were approached as gatekeepers in order to obtain permission to conduct interviews with you.

- Non-Participative observation

I will also visit initiation schools during initiation season in the designated areas. These visits will be done in order to gain first-hand experience of group members, to understand their life-world, and to see things from their perspective. Through non-participative observation, the researcher will, for example, observe the conduct of *ingcibis* (traditional surgeons) and their assistants.

- Focus group interviews

Additionally, a focus group discussion will be conducted with representatives of the CPF attached to the three identified areas in the Giyani and Malamulele districts.

In order to ensure your privacy during the interview I will identify a suitable venue where it is unlikely that we will be distracted or interrupted. The interview will be audio recorded in order to accurately capture your response. To maintain confidentiality, the recording will be used only by me and solely for the purpose of this study. Data collected will be stored in a place of safety. You have the right to request that the recording be stopped at any time. You are also free, at any time, to withdraw from participating in the study with no obligation to provide an explanation; in which case, all information and recordings you provided will be destroyed and excluded from the study. Withdrawal from this study will not result in any form of penalty or loss of benefit. Your participation in this study is voluntary and does not entitle you to any form of compensation, reimbursement, gifts or services. The information that you will provide during participation in this study will be included in this research study, and will be analysed in conjunction with the literature and data collected. Your anonymity will be assured by means of anonymous identification. Your name will thus not be divulged during the interview. The study is expected to be finalised in April 2017. The findings of this study will be made known to you once it has been finalised.

I am guided in all matters of this research by the UNISA *Policy on Research Ethics*.

The promoter of this study is Prof. J.G. van Graan. He can be contacted for research related inquiries at vgraajg@unisa.ac.za

By signing this consent form I certify that I _____ agree to
(Print full name here)
participate in this study.

(Signature)

(Date)

ANNEXURE H: LETTER FROM THE EDITOR

NELSON MANDELA UNIVERSITY

PO Box 77000, Nelson Mandela University, Port Elizabeth, 6031, South Africa | mandela.ac.za

31 August 2017

To Whom it May Concern

I herewith confirm that I have proofread the following thesis:

Title of Study: *AN ANALYSIS OF THE ROLE OF TRADITIONAL
LEADERSHIP IN PARTNERSHIP IN POLICING*
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Student Number: 32885695
Institution: University of South Africa (UNISA)
Qualification: Doctor of Literature and Philosophy in Police Science

I suggested relevant changes, where I saw fit, using the "Track Changes" function in MSWord, the student could thus either accept or reject the suggested changes at his own discretion.

I trust that this is in order.

Kind regards,



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